

MR. DEPUTY SPEAKER: This position is now made clear.

16.48 hrs.

CONSTITUTION (NINETY-FIRST) AMENDMENT BILL

(Amendment of Articles 55, 81, 82, 170,
330 and 332)

MR. DEPUTY SPEAKER: We shall now take up item no. 11.

SHRI VARKALA RADHAKRISHNAN (Chirayinkil): Sir, it is the Constitution (Amendment) Bill. Can it be passed in this House? What is the position? It is an amendment to the Constitution and not an ordinary Bill. You should not do it like this...*(Interruptions)*

MR. DEPUTY SPEAKER: Shri Radhakrishnan, we are yet to go through the procedure.

SHRI VARKALA RADHAKRISHNAN: We cannot do it casually. That is what I want to tell you. This is an amendment to the Constitution. It has to be taken with all the seriousness and also by following the procedure that is to be adopted before amending the Constitution. Merely by moving and passing it is not sufficient and that is not proper also. The hon. Minister of Law and Justice is here. He is in the know of the things. He knows things better than me. Why should I tell this to him? He can very well understand. I need not tell him. He should not take it up casually. That is all that I want to submit here...*(Interruptions)*

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND MINISTER OF SHIPPING (SHRI ARUN JAITLEY): Sir, I beg to move:

"That the Bill further to amend the Constitution of India, be taken into consideration."

Sir, as part of the forty-second amendment to the Constitution, certain provisions of the Constitution were amended as a result of which the number of seats on the basis of population was frozen on the basis of the 1971 Census. All elections thereafter, both for the Lok Sabha as also the State Assemblies, have been on the basis of the 1971 Census. The number of seats has remained the same and the delimitation of constituencies has been on the basis of the 1971 Census. These provisions, which were amended by virtue of the Constitution amendment, also had a provision which *inter alia* mentioned that the said delimitation processes and those population figures will be construed, until the

relevant figures of the first census taken after the year 2000 have been published, as a reference to the 1971 figures. Therefore, till the year 2000, the figure of the 1971 Census was to be taken into consideration. Now, we have crossed the year 2000 and we are in the year 2001. Therefore, both Houses of Parliament have a constitutional obligation to make a further provision in this regard.

16.51 hrs.

(MR. SPEAKER in the Chair)

Sir, this particular Bill, therefore, seeks to amend six different provisions of the Constitution and the spirit of the amendment in totality of these six provisions, which have been amended, is that the number of constituencies as existing today on the basis of the 1971 figure will be frozen. The rationale for which the number of constituencies will be frozen and subsequent increases in population will not be taken into consideration while determining the seats for election to this House and also to the State Assemblies, essentially has been that there are some States which have implemented the family planning programme very effectively and there are some States where it has not been effectively implemented. The National Population Policy also envisages the year 2026 as the year in which the population of the country would stabilise. Therefore, what was true till 2000 is sought to be frozen till the year 2026, that is, the year in which we anticipate hopefully that the population figure in the country would stabilise. The effect of this amendment would be that the number of constituencies in each State, and therefore totally throughout the country, would remain as they are at present.

However, it has been noticed that on account of population growth which has taken place disproportionately in some areas, the constituencies have become odd-sized within the given States. So, while the number of constituencies in a given State would remain the same, in regard to their sizes which have become grossly uneven, there would be delimitation conducted and each one of these constituencies, as far as practicable, will be brought to even size. For instance, in the election in 1998, in Delhi, there was one constituency of Outer Delhi which was having 29.3 lakh voters while there was another constituency of Chandni Chowk which was having only 3.7 lakh voters. So, the difference of size between the two constituencies was such that one was almost eight or nine times larger than the other. Therefore, the first two principles are that as far as the number of Lok Sabha seats is concerned, the seats will be frozen at the present figure. But within the States, there would be

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delimitation and subsequent to the passage of this Constitution (Amendment) Bill, there has to be a specific legislation, the delimitation law, under which the process of delimitation would be undertaken so as to make all constituencies, more or less, of similar sizes.

The last limb of the Amendment which is being sought about is relating to articles 330 and 332 with regard to the seats which are going to be reserved for the Scheduled Castes and the Scheduled Tribes. That reservation would also have to be updated, that is, in proportion to the population of these two particular communities, the reservation would also be updated on the basis of the 1991 Census. The precise distinction which has been made throughout, therefore, is that the number of seats is frozen as they were on the basis of the 1971 Census, and the adjustment of constituencies and the change in the number of SC and ST constituencies would be on the basis of the 1991 Census. The reason why we have taken the 1991 Census and not the 2001 Census is that the anticipation is that the figure of 2001 would be accurately available only towards the end of 2002.

If we waited till that date before we brought these changes and if the process of delimitation starts thereafter, then it takes time because it is a long process. This time the time expected to be taken is much lesser. For instance, on the last occasion, it was done after 1971. It was notified in 1972 and it was completed in 1976. But this time the exercise is a little smaller because the number of seats would not increase. It is only the distribution of seats which is to be done. Also, with more modern gadgets of information technology—computers are available now—the process would be faster. So, there may be some reduction in time. The anticipation is that if we approve this Amendment now and thereafter the Delimitation Bill, perhaps, the next anticipated elections could be, as far as possible, attempted to be on the basis of the last confirmed figure of the Census which is available, which is 1991.

These are the various ingredients. Article 55 deals with the Presidential Election and the quotient of each State with regard to the Presidential Election. Article 81 deals with the election to the Lok Sabha. Article 82 deals with the readjustment of constituencies to make them even-sized. Article 170 deals with elections to the State Assemblies. Article 330 deals with the question of Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People, and similarly Article 332 deals with the question of Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative

Assemblies of the States. These are the consequential changes on account of the spirit of this Constitution Amendment.

I propose to this hon. House that this Constitution Amendment Bill be taken up for consideration and approved by this hon. House.

MR. SPEAKER: Motion moved:

"That the Bill further to amend the Constitution of India, be taken into consideration."

The time allotted for discussion is three hours. Shri Shivraj V. Patil, 38 minutes time has been allocated for your Party.

SHRI SHIVRAJ V. PATIL (Latur): Sir, there are three objectives that this Bill seeks to achieve, and it has been very lucidly explained by the hon. Minister.

The first objective is to freeze the number of the Members in the Lok Sabha and the Legislative Assemblies. This was done in 1976 and now it is again tried to be done for a period of about 25 years to come.

My Party has no objection to this kind of provision. As a matter of fact, the Congress Party has decided to support this Bill in its broad outline. But I am on my legs today before this august House to make some submissions. These are my own, and they have nothing to do with my Party. As a disciplined member of the Party, I will stand by the directives given by the Congress Party.

I do not find that the logic which is adopted to frame this Bill is not totally wrong. But I have my own views and I am submitting these views to this House to be used, if possible, to amend this Bill now and, if it is not possible, later on, if possible.

The first objective is to readjust the constituencies. It is rightly said that some constituencies are too big, some constituencies are small, and readjustment of constituencies is necessary and it has to be done. It does not require any more comments.

The second objective is to freeze the number of the Members. On this point, I have to make some observations on my own behalf. What was the population in 1975? It was nearly 70 crores. In 2001, we are about 100 crores, and in 2026, we would be nearly 140 crores. The hon. Minister says that the population will stabilise in 2026.

17.00 hrs.

Sir, I find it very difficult to accept this optimism. In 1976 it was thought that the population may not increase because of this provision. But population has increased and has reached a figure of nearly 100 crore and more. What is the guarantee that population would remain where it is today? I find it very difficult to accept this logic. To think that because the number is frozen, population will not increase is not correct.

Sir, the State of Rajasthan has passed a law which provides that if a citizen has more than two children then, he or she will not be allowed to contest in elections to the District Body, in elections to the *Talukas* and in elections to the *Gram Panchayats*.

SHRI K. YERRANNAIDU (Srikakulam): Such provisions are there in Andhra Pradesh also.

SHRI SHIVRAJ V. PATIL: Yes, it is there in Andhra Pradesh also. So, if you want to control population, a law of that kind is going to be more effective than this kind of law. I do not understand the logic adopted by the Government. Now, in the Statement of the Objects and Reasons of the Bill it has been stated that as part of the National Population Policy Strategy recently decided to extend the current freeze on undertaking fresh de-limitation up to the year 2026 as a motivational measure. What kind of a motivational measure? This logic is not acceptable. Whom are we trying to hoodwink? This is not correct. Something else is required. If any law that could be helpful in controlling population is required, then a law like disallowing a person to contest elections if he or she has more than two children will be more useful than a law of this kind. The Government is proposing a law on a logic which is not acceptable and is also not correct. It is not scientific. I am not saying that I am opposing this Bill. I am saying that the logic adopted by the Government in framing this Bill should not have been adopted.

Sir, the number of Members in the Lok Sabha in 1976 was 545. The number of Members in the Lok Sabha in 2001 is 545 and the number of Members in the Lok Sabha in the year 2026 is going to be 545. Each Member of this Lok Sabha today represents more than ten lakh voters. In the year 2026, each Member of Lok Sabha would represent nearly 15 lakh voters. Even today there are constituencies where a Member represents nearly 30 lakh voters. I think, there are two constituencies, namely, the Outer Delhi Parliamentary constituency and the Thane Parliamentary Constituency which have nearly 30 lakh

voters. How do you expect a Member of the Lok Sabha to help its voters and explain to them as to what a Government is doing? What would happen if in a real parliamentary and representative democracy one Member of Lok Sabha is expected to represent as many persons as some other countries have their population? There are countries which have about 20 lakh people and they have sixty seventy Members of Parliament. But here one Member of Parliament is expected to represent nearly 30 lakh people. Is this correct?

Is this logic correct? I repeat that my party is going to support this measure. I am going to vote in favour of this legislation. However, I would like the hon. Minister and the Members of this House to consider whether there is any logic in freezing the number of Members of Parliament, if we really wish to have a representative democracy with the number of people living in the country growing by leaps and bounds. Is there any logic in this? In the United Kingdom, a Member of the House of Commons represents only seventy thousand voters. In India, a Member of the House of the People represents nearly seven lakh voters on an average. Why should this not be considered and altered?

There are objections to this kind of a proposal and I understand that. As the representatives of the people looking after the entire country, we have to take into consideration the objections raised by some of the States. One of the objections raised is that a State which has implemented family planning programme in a proper manner and restricted the increase of its population, would be in a disadvantageous position if the number of seats are allowed to be increased on the basis of the population of a State. It would mean that those States which have implemented the family planning programmes in a proper manner would suffer. This is a very valid objection. We cannot brush it aside. But, it is not beyond human ingenuity to find a formula to do away with this kind of injustice, this kind of disparity, this kind of inconvenience, which would be caused to the States which implemented the family planning programmes in a proper manner. It can be possible for us to find a formula which can say that on the basis of increase in the population of a State that has implemented family planning programme in a proper manner, increase in the seats in other States should be allowed so that no State is allowed to have an advantage over any State that has implemented the family planning programme in a proper manner. It can be possible. But, I think this issue has not been considered. If it had been considered, it would have been proper.

Sometimes the objection taken is — if you increase the number of Members in the House of the People, the

[Shri Shivraj V. Patil]

increased number will be too big and till not be possible for us to provide the seats for the Members to sit in the House. May I submit that the number of Members of the House of the People in India is 545. China is a country which can be compared with India in this regard. The population of China is nearly equal to that of India. It is only these two countries which can be compared with each other as far as population is concerned. What is the number of Members sitting in the Peoples National Congress of China? It is three thousand. What kind of a parliamentary arrangement do they have? *...(Interruptions)* Let us not laugh at it. Let us consider it sincerely. If any one has any objection, he can raise it. But let us not laugh at it. Let us not brush it aside simply because it is done in China. That will not be a correct approach. As far as population is concerned, India can be compared only with China and with no other country in the world...*(Interruptions)*

SHRI KHARABELA SWAIN (Balasore): Their House meets only for two days in a year.

SHRI SHIVRAJ V. PATIL: Sir, the hon. Member can make a point of he likes. I have already said that I am supporting this Bill. I am putting a point forward for consideration of Members. The Member need not be impatient to rebut what I am saying here.

I am saying that the highest body in China has three thousand members. I am not saying that the House of the People in India should have three thousand members too. The point I am making is that we should not be afraid of an increase in the number of Members of this House.

Some times, people ask and ask others also, "Where is the place for them to sit?" Well, for India to find a place for the Members to sit should not be difficult. It should not be difficult for the Union Government and the State Governments also. Even without spending a single pie, this building of ours can accommodate all the increased number of Members. This House can go to the Central Hall and the Rajya Sabha can come to this House. It is a simple solution. And, the activities in the Central Hall can go the auditorium and the library.

MR. SPEAKER: Shri Shivraj V Patil, what about the Chair position then?

...(Interruptions)

SHRI SOMNATH CHATTERJEE (Bolgpur): There will be more spacious Well...*(Interruptions)*

SHRI SHIVRAJ V. PATIL: Then, they say, "where will be the time for the Members to speak?" Well, my stand has been that it is not proper for India to work for only 90 days or 110 days in a year's time. Even the smaller countries like Germany have been working throughout the year. Germany is a country where the private enterprises are taking the responsibilities of providing facilities to people more than what India is doing, and yet with this kind of population and these kinds of situations in our country, we are working nearly for 90 days. It is not correct. If we work for more days, it should be possible for us to work better. Then, it is said: "How would you maintain the decorum in the House?" Well, a small change, Sir, will really help this House and the Presiding Officers to maintain the decorum.

In almost all the Parliaments of the European countries, the Members do not speak from their seats. They speak from the podium. This simple change of asking the Members not to speak from their seats but to speak from the podium will certainly help us to have a better decorum in the House. These things are not beyond our ingenuity and beyond our capacity to manage. So, there should not be objections raised against these kinds of things...*(Interruptions)*

Sir, these are my views. My leader and my party are in consonance with the views which are contained in this Bill and we are going to support it. I am expressing these views for the present and the future considerations of this House.

Sir, the third objective which this Bill seeks to achieve is to readjust the number of Scheduled Caste and Scheduled Tribe seats, and we support this. Our party supports this. We support this fully. It has to be done in accordance with the provisions in article 330 of the Constitution. We support it.

But I have two apprehensions in my mind and I am putting these two apprehensions before the hon. Minister and before this House for their consideration. One apprehension is that there would be an increase in the number of the Scheduled Caste seats but there may not be any increase in the number of Scheduled Tribe seats. So, there is no problem as far as the Scheduled Caste seats are concerned. There would be an increase. It is said that there would be an increase of about seven seats. Well, we welcome it. We want it. But this should not create some kind of misunderstandings between the people in our country. Well will it not be possible for us to commensurately increase the number of general seats also. My humble suggestion is that if seven seats are increased, they should increase only seven general seats.

It will obviate the difficulty. It will help us to overcome this difficulty. It should be possible if it is acceptable to my leader, my party, their leader, their party and all other leaders in the House.

The second apprehension in my mind is that we are allowing the increase in the number of Scheduled Castes and Scheduled Tribe seats. We are not putting any embargo on this number.

So, it will be allowed. As far as Scheduled Tribe seats are concerned, I think, there would not be any change, but in the case of Scheduled Caste seats, there will be a change. But we are not allowing any increase in the general seats. I apprehend that this kind of disparity may be challenged in a court of law, on the ground of discrimination. What would be the judgement of the Court, I do not know. There would be certain other points which will be considered, like increase in population. You are allowing an increase in the number of seats as far as the Schedule Caste or Scheduled Tribe seats are concerned and you are not allowing the same kind of increase in the general seats. This may be challenged. And if this is challenged, how would you overcome it? That is the question. I know that the courts have decided that there can be a formula adopted to help the disadvantaged people in the society; and that is why, this principle should not be applied. But here, you have already helped them with this and you are not helping the others.

My suggestion or my request to the hon. Minister is that we have to have a provision in the law itself which will not allow this law to be challenged in a court of law. I am not saying that you should be afraid of it, but I am saying that we have to find out some device which will not allow this law to be challenged in the court of law, and even if it is challenged, it should not be decided against the Scheduled Tribes and Scheduled Castes.

I have no more suggestions to make on this Bill. I have already said that this Bill is acceptable to my Party and we are going to support it; and thus, the job of the Law Minister is easy in this respect.

SHRI ANADI SAHU (Berhampur, Orissa): Thank you, Mr. Speaker, Sir.

I stand to support the Constitution (Ninety-first Amendment) Bill, 2000. The affair of Constitution amendment has had a tortuous course. Sometimes it had hit dead ends and sometimes it went into blind alley. Now, of course, it has come after it was cleared by the Standing Committee on Home Affairs and we are discussing this matter here.

Before I go into the provisions of the Bill proper, I would like to submit that Shri Shivraj Patil has very eloquently put forth certain facts. On some of those facts I find some flaws and holes.

Again, before I go into the Bill itself, I would like to quote a Grecian Ode by Pindar, which says:

"Strive not, my soul, for an immortal life, but make the most of what is possible."

What is possible now has to be taken into consideration? The electoral reforms are a continuous process and we are on the way of making adjustments, which is a continuous process. We have to think of continuous process that has to be gone into, in order to ensure that we have a certain number of seats in the Lok Sabha and a certain number of seats in the Legislative Assemblies, and the indirect election where the value of a vote is to be counted. So, as the hon. Minister has said very succinctly, six amendments are proposed in this Constitution Amendment Bill itself with a view to ensure that the seats are frozen. Once we think of freezing of seats, naturally we have to come to the population problem that is facing this country for the last fifty years.

May I, Mr. Speaker, Sir, with your permission, go into the National Population Policy which was introduced by the NDA Government in the year 2000? The National Population Policy has indicated that the total fertility rate should be brought down.

As Shri Shivraj Patil said, the replacement level has to be 2.1. If you have replacement at 2.1, it would be possible to attain the population replaceable growth level of the year 2026, to ensure that we do not have more people in this country. That is why, in this amendment Bill itself, the year 2026 has been indicated. It is a fact that there is disproportionate number of voters indifferent constituencies. I invite the attention of Shri Sontosh Mohan Dev to his constituency of Silchar where the total number of voters is eight lakhs whereas in Delhi, you have 30 to 35 lakh voters in one constituency.

So, there are disproportionate number of voters. The people from the rural areas are coming to the urban areas. You would kindly see from the UNDP statistics which have been provided that in 1975, the urban population of India was 21.3 per cent of the total population whereas in 1999, it has gone up to 28.1 per cent. About seven per cent increase is there due to the exodus from the rural areas to the urban areas.

[Shri Anadi Shau]

Moreover, the total fertility rate (TFR) was 5.4 in 1971-72. It has come down to 3.3 in 2000. But 3.3 is not ideal. As I said earlier, it has to be 2.1. Till now, nearly nine States in India have 2.1 fertility rate which is the required ideal rate for replacement levels. Fourteen States have 3 per cent fertility rate. The delinquent States are five including my State. They are Rajasthan, Madhya Pradesh, Uttar Pradesh, Bihar and Orissa. It is good that in Rajasthan some sort of steps are being taken to control the population growth. But these five States are recalcitrant States or delinquent States which have been creating problems for the entire country itself. These five States account for 44 per cent of the population of the country. The growth rate in these five States is about 4.4 of the TFR. If that is the thing, then it would create problems for us. Keeping that in view, this Constitution Amendment has been thought of.

Now, when we are thinking of the population, the population policy which has been envisaged by the NDA Government has three objectives in mind. One is the immediate objective; second is the medium term objective, and the third is the long term objective. I am not going into the details of those objectives. The first objective is to see that the population is controlled. When you are thinking of controlling population, we have to think of the re-production level of women, literacy, malnutrition, nutrition itself, and so many other factors which have been indicated in the national population policy itself.

I need not go into the details of what has been indicated in the Constitution (Amendment) Bill. But the Statement of Objects and Reasons, as Shri Patil has very clearly indicated, would create confusion. That is matter which will come up at the time of de-limitation itself. Article 327 of the Constitution of India talks about de-limitation. That was done in 1972. It almost took four years. After this Constitution (Amendment) Bill is passed, the De-limitation Commission will be set up and they will take up the matter. In taking up the matter, the De-Limitation Commission may come across certain difficulties. It is my personal opinion that one difficulty will be in regard to Article 81 (2)(a) which says:

"there shall be allotted to each State a number of seats in the House of the People in such manner that the ratio between that number and the population of the State is, so far as practicable, the same for all States."

I do not know how it would be possible to have it same for all the States because in one State, the population has gone up very high and in another State it might have gone down as has happened in the case

of Kerala. So, it would be very difficult. But that will come up during the De-limitation Commission's deliberations.

Since this is a matter which has to be taken into consideration. I thought it would be proper on my part to indicate it now, so that confusion does not come at a later stage.

So far as the Statement of Objects and Reasons is concerned, as Shri Shivraj Patil has said, reservation for the Scheduled Castes — not the Scheduled Tribes because in the case of Scheduled Tribes there is no difficulty at all — may create a number of problems. In some States — I would not name them — the total number of people in the Scheduled Caste category has gone down. In some other States it has gone up. But, since you are freezing the number of seats in the States, I do not know in what manner all these problems can be solved.

I only give instances of the SC and ST population as it stood in the year 1971 and in the year 1991. As against the total population of 548 millions in 1971, the SC population was 80 millions which accounted for 14.50 per cent of the total population. The ST population was 39 millions and this accounted for 6.9 per cent of the total population. In 1991, the total population of India was 846 millions of which 138 millions were of the SC category which accounted for 16.33 per cent. So, what was 14.50 per cent in 1971 has become 16.33 per cent in 1991. In the ST category, as against 39 million people in 1971, in 1991, their number has gone up to 68 millions and the percentage to 8.08.

So, I do not know how it would be possible to look into these problems. As we say, in the case of ST, only the largest has to be taken into consideration when reservation is made. But, insofar as SC is concerned, larger number of people has to be taken into consideration. This may create problems at the time of the delimitation of constituencies.

The second point which needs to be thought of is about rotation. The Dinesh Goswami Committee had taken the rotation part into consideration in the year 1991. But this 91st Constitution (Amendment) Bill is not taking into consideration this aspect of the 71st Amendment Bill. It may be necessary to have some sort of rotation once we think of the larger number of people in a particular constituency belonging to the Scheduled Castes. If there is a change in the demographic pattern of the Scheduled Castes vis-a-vis the general caste people, naturally some rotation has to be thought of. That has not been properly

spelt out now. This would require a little bit of thinking when we go into this Bill.

Before I conclude, I have to say that we have to come together to see that the population does not grow; that by 2026, as we have been very optimistic in bringing this Bill, the replacement level remains the same; and that there are not more number of mouths to feed that what has been thought of today for the year 2026. For that matter, the growth rate has to be confined to two per cent of the population. We can confine it to that level since our life expectancy has gone up and the mortality rate has gone down because of the population policy, because of the advancements and developments made in the field of health, etc. Infant mortality rate has also gone down. We have introduced a number of projects to see that the people have a very good healthy life. With this kind of healthy life and the low mortality rate, the reproductive state of people should be good. Therefore, what is required is a commitment from us, from this House, and from the people of India. The commitment has to be that the voluntary informed choice and consent for reproductive health services and family planning have to be adopted by all of us.

Only then it would be possible to freeze the number of seats and it would be possible to ensure that there is no difficulty in taking up the Constitution Amendments which are required from time to time. And it may so happen that we may give a little bit of more seats to the urban areas and less number of seats to the rural areas. If the development process goes in a steady manner, it may so happen that in another 20 years, people from the urban areas may also come to the rural areas. Of course at that time, the younger generation who would be coming to Parliament would think of changing the process that we are setting today to ensure that more seats are given to the rural areas and proper readjustment is made.

When I conclude my speech. I would request that the population of India, which has grown five-fold compared to the three-fold population growth of the world, should be checked. How has it to be checked? We have to control our own system itself and a further very strict embargo has to be put in ensuring that the population does not grow. With these words, I support the Bill.

MR. SPEAKER: I have got the names of ten Members to speak as per the list and voting will be at 7.30 p.m.

SHRI SOMNATH CHATTERJEE: I think we should reduce our speeches like the population...(Interruptions)

Sir, it seems to be a logical extension of the decision, I believe, of all the parties. It appears from the Committee's Report that the *status quo* is to continue. Of course, there is one view which Shri Shivraj Patil has said — the more, the merrier. But I do not envy the Speaker of the House of the People with 3000 Members. We need bigger Wells and we need a sturdier Speaker.

What is essential is a proper representation of the people. After all, this is a participative democracy. We should have a proper representation in the House. But functioning of the Parliament does not depend on the number but in the quality of participation. That is a matter which probably we should pay greater attention. I can understand the hon. Speaker going away to his Chamber instead of being faced with the situation that we are having. Unfortunately, and when I say unfortunately, there does not seem to be a much greater appreciation these days and probably, this is a matter which we must pay greater attention to than passing the Bills like so many Bills have been passed.

This freezing came in 1976 by Constitution (Forty-second Amendment) Bill. I had the occasion to be here. Hardly there was any discussion on that. Since then, I do not find any real study of the situation. Now, the Census of 2000 was mentioned. Can it not be given effect to? The census figures would be available towards the end of this year. Next year, I do not know how many elections are going to be held. Nothing will be done now. The only thing is reorganisation of the constituencies. Nothing will be done now. What is the necessity even to go into the 1991 census? Delimitation takes a long time. For some part, I was the representatives from my party in the Delimitation Commission which also includes non-officials and Members of Parliament from those areas that are taken from States.

I had gathered some experience there as to how does it work. Of course, they try to work as objectively as possible. There was no reason to expedite it now. It could have been done based on the 2000 Census. Anyway, I am not raising it as an issue of confrontation. Let us not try to give an impression that through this Bill we shall be able to control the population. After all, nobody produces children on the basis of who will be representing his son in Parliament. I do not know why it is being repeated here. One could have understood the so-called justification then. In the Statement of Objects and Reasons it is stated that it was done to boost family planning norms. Of course, family planning is essential for this country. Everybody admits that, but no Government follows that. Dr. C.P. Thakur is in-charge of this, but he has not done anything towards this objective.

[Shri Somnath Chatterjee]

I know a Health Minister who was in charge of family planning had lost his job because he had twelve children, and rightly so. The Statement of Objects and Reasons states:

"There have been consistent demands, both for and against undertaking the exercise of fresh delimitation."

This is the great contribution of Shri Arun Jaitley. It further states:

"Keeping in view the progress of family planning programmes in different parts of the country, the Government, as part of the National Population Policy strategy, recently decided to extend the current freeze on undertakings fresh delimitation up to the year 2026 as a motivational measure to enable the State Governments to pursue the agenda for population stabilisation."

What is this? He is trying to tell the people that it would help them in reducing the population. How will it help? Dr. Thakur, please tell us. Has the Law Minister discussed it with Dr. Thakur?

What is happening? What is the motivational measure? Please tell us. They Southern States have practised this more successfully. Now, comparatively, they would be losing some seats if it is done. Then, it would be a de-motivational measure. Is getting more number of seats a motivational measure or not? Nobody wants more people in this House because there would be problems of space, elections, etc., and the complexion of this House would be different. Therefore, the Government is adopting an *ad hoc* measure and tries to continue with the *status quo*. The Forty-Second Amendment Bill has come as a precedent for them. So, they are following it. The only change that has come about is that the year is changed from 2000 to 2026. The one good thing that I found in this Bill is that there would be a census in 2021 and we will get the results by 2026. Happily, I won't be there at that time to trouble others. So, for the next twenty-five years it would continue. It is almost an exercise for the purpose of maintaining the *status quo*.

I suggest that the Government should be serious about this. I would have expected that the matter should have been discussed by the Law Minister as to how the Objects and Reasons would be fulfilled by this law. I do not know what are the steps that are going to be taken towards this; I do not know how it will help us; and I do not know what is the connection between the number of Members and the fertility rate in this country. This is only

ad hocism and this is only to carry on the present state of affairs.

It seems that one should not bother about it. Some re-arrangement, fortunately, is going to be made. I hope something is going to be done. Shri Vijay Goel will be unhappy. His Chandni Chowk constituency may have a little more people. I do not know about Dr. Vijay Kumar Malhotra. But the outer Delhi people will be happy. Probably, they will be happy to shed some of their members. These are only peripheral things which have been happening. But we do not want to create a problem here. Let the Government get it through. But let them announce it here. The reply should be given by the hon. Health Minister also. Mr. Health Minister, do not just pass it on to him. I do not know as yet whether he is practising family planning or not...*(Interruptions)* He is a young man. Let the hon. Health Minister tell us very positively about this. I am very serious about this issue.

Sir, we discussed the Golden Jubilee Celebration of India's Independence...*(Interruptions)*

MR. SPEAKER: At least, after a 'long time, I think we are witnessing some humour in this House!

SHRI SOMNATH CHATTERJEE: Thank you. You may recall what happened. We had the privilege of being here when we discussed that issue. We had a Special Session for the Golden Jubilee Celebration of our Independence. We had the great distinction of being free from any party restrictions when we spoke. We all agreed that any hon. Member can say anything he liked, without any political or party consideration. The first common issue everybody spoke was about the need of population control. All the hon. Members who participated in that debate talked about this. The common refrain was, apart from the development of the country, the need of population control. We solemnly passed a unanimous Resolution. It was moved from the Chair. Shri Sangma was the hon. Speaker then. I believe, Sir, you were also there in the House. But then what happened? This is a way of saying that national commitment is there. But it is there only in a Resolution. Are we not concerned that we are now having more and more poor and illiterate people in this country?

Somebody is talking of the media lapse. I do not know where he is. Who is interested in the media lapse? Why does he go away when important matters are discussed. What is happening? I request the Government to tell us about it. Dr. Thakur, how many people are getting proper treatment in this country? How many people are getting jobs? You do not mind about it. This

Government does not mind taking away jobs from the people. This Government is thriving on VRS. Therefore, these are matters which are not looked into. Mr. Minister, you are mentioning about population here for the sake of public consumption as if this Government is ever at all concerned about population measures. You are trying to give an impression that you are so concerned that it would provide motivation for family planning and hence you are bringing this Constitution (Amendment) Bill. That is your great concern for the Constitution. Of course, you have finished the basic structure already after Dr. Muri Manohar Joshi's speech yesterday...*(Interruptions)*

Today, the blessings of RSS were given to him as we find...*(Interruptions)* Dr. Vijay Kumar Malhotra, do you not like the name of RSS? I am using the name which should be the *mantra* to you. Do you object to the blessings of RSS on Dr. Muri Manohar Joshi who has faithfully carried out the principal policy of saffronisation. Shri Yerrannaidu, he has done it notwithstanding your objections to it. Your objections were thrown to the winds. Where is the DMK? Its objections were thrown to the winds. Not a single reference was made to your objections. This is a subject of purity in political life.

This is the subject. This is called political principle and morality, which are lacking in this Government. They are lacking in their sincerity to the importance of population control. You are only paying lip-service. This Bill will be passed. We shall also support this. But this Government shall spare us by getting out of the power.

SHRI K. YERRANNAIDU: Sir, I stand to support the Constitution (Ninety-first Amendment) Bill, 2000. Six amendments are proposed in this Bill. There was a consensus in the meeting of the political parties held on 13th May, 2000 to put embargo and to freeze the constituency number in every State. We are the first to represent this case to the Union Government. The hon. Chief Minister of Andhra Pradesh, Shri Chandrababu Naidu represented many times to the effect that *status quo* should be maintained.

In 1976, the then Prime Minister, Shrimati Indira Gandhi amended the Constitution to bring in amendments in the National Family Planning Policy for freezing the constituency number. This Government is also continuing the same thing. Hence, we support this amendment.

The second amendment is regarding the uneven growth of population. Due to migration, some constituencies have a population of more than 15 lakhs or 20 lakhs or even 30 lakhs, some constituencies have two lakhs or three lakhs. So, we should start the task of

bring in delimitation of constituencies as early as possible. There is a lot of demand about it not only from the public but also from the elected representatives. After passing this Amendment Bill, we have to again amend the Delimitation Act. The Delimitation Commission has to go into the uneven growth and migration of population to equalise all these constituencies.

According to the 1991 Census, we have to increase the SC and ST constituencies. My Party would extend its support if it is done without increasing the number of seats. Once we put the ceiling, beyond that number, we cannot increase the seats for the SCs and the STs. Social justice depends on the population. We provide reservation under the Constitution of India. If they get two or three more seats out of the unreserved quota, there is no problem. We are very happy to give more seats for the SCs and the STs, according to the population.

We want to balance the population. But it is very difficult. Even though this is one of the measures, even some States have imposed some restrictions. For example, if you have more than two children, you are not eligible to contest in the local body elections. Likewise, we can also bring in a provision for the MPs and the MLAs...*(Interruptions)*

AN HON. MEMBER: Is it with retrospective effect?

SHRI K. YERRANNAIDU: Not with retrospective effect but with prospective effect. Some State Governments have already passed a legislation to implement this with prospective effect. When some States are adopting that formula, why not we adopt for the Members of Parliament and the State Legislatures? If it is possible, I would suggest and request the hon. Law Minister, through you, to bring in such a legislation, which would also add to the reduction of population.

With all these suggestions, I support this Bill. The viewpoint of the State Government has been well taken by this Government. We fully support all these proposed Constitutional amendments.

SHRI ANANDRAO VITHOBA ADSUL (Buldana): Mr. Speaker, Sir, I rise to support the Constitution (Ninety-first Amendment) Bill, on my own behalf and on behalf of my party, Shiv Sena. While supporting the Bill, I would like to seek some clarifications from the hon. Minister.

Now, we are adjusting the constituencies according to the population of voters and we are going in for rationalisation. As the hon. Minister has stated, according to 1971 Census our population was 70 crores and

[Shri Anandrao Vithoba Adsul]

according to the forecast of the Government, in the year 2026 our population will be about 144 crores. But we are keeping the number of Members of this House and the Assemblies same. I could not understand the reason for this. So, I would like to get a clarification from the hon. Minister on this aspect.

Secondly, when we adjust the constituencies according to the population of voters, I think, there will be some administrative problems. For example, one constituency may be spread in three or four districts. An hon. Member may be a member of the District Development Committee in one district now, but when we amend the Constitution through this Bill, that hon. Member may be a member of the District Development Committee in three or four districts. Then, there will be a problem while distributing the fund through the MPLAD Scheme also. There are many Centrally sponsored schemes being implemented in the States and in that respect also we will face some administrative problems. In fact, we are already facing such problems in some places.

Thirdly, now there is a specification of a constituency that a Member is coming from a particular district. But in future, there will not be any specification and a Member may have to give some name other than the name of the district. I think, these will be the problems that we may be facing after passing of this Bill.

Sir, many hon. Members have supported this Bill. I also support this Bill, on behalf of my party.

SHRI A. KRISHNASWAMY (Sriperumbudur): Mr. Speaker, Sir, I support this Bill, on behalf my party, D.M.K. The allocation of seats of Lok Sabha was made on the basis of the Census taken in the year 1971. According to 1991 Census, there was a decline in the rate of growth of the population in the State of Tamil Nadu. Due to decline in the rate of growth of the population, earlier there was a proposal to decrease the number of Lok Sabha constituencies in our State. So, the people of Tamil Nadu were against the policy of the Government. Even our former Chief Minister, Dr. Kalam Karunanidhi was against this policy which was brought about by the Central Government at that time.

He agitated and requested the hon. Prime Minister to stop the proposal to decrease the seats and to make it as it has been there.

Our TDP leader, Shri Yerranna, spoke very well. I appreciate his speech. When we decide about the seats, we have to make the policy about family planning compulsory. Tamil Nadu is number one State in following the Government's policy for implementation of family

planning. Instead of giving a reward for that, they are trying to punish us by declining the seats. It is an injustice. I would request the hon. Minister to implement the policy for family planning on a compulsory basis in the case of all communities and religions. This is a good policy. The Minister should take it forward. Otherwise, one religion will be thickly populated and another religion will be thinly populated. One part of the country will be thickly populated while the other part will be thinly populated. We do not know how this Government will justify these facts.

You are increasing the seats according to the population. When you make a comparison of the SC and ST population in 1971 with that of today's population, they were thickly populated. Now, according to the population of the SCs and STs, I demand that you raise the number of reserved seats for the SCs and STs. I also request this Government that the seats should not be decreased until 2026. These may be increased and not decreased. That is my request and also my party's request.

SHRI T.M. SELVAGANPATHI (Salem): Sir, I am grateful to you for having called me for the second time to speak on this important Amendment Bill. I wholeheartedly welcome the initiative taken by the present regime to obviate an important issue of delimitation. At the same time, I confine myself to raising some of the important issues connected with the present Amendment. After all, why has this Bill been brought forward before this august House? It is to put an embargo on taking fresh delimitation of the constituencies until the publication of the population Census by 2001, which is not possible now. Therefore, this Amendment has been brought forward. In a way, it freezes the Lok Sabha and the Assembly seats at the current level till 2026. The inherent object - we also see it in the objects of the Bill - is to boost the population control measures and to effectively carry out the family planning measures in tune with the national population policy. This is one of the most important objects.

But what had happened in 1976? The same Amendment was carried out. The object stipulated at that point of time was also the same. It took nearly 25 years. After the expiry of these 25 years - now, we are in 2001 - we could not achieve it.

18.00 hrs.

Now, we are protecting it for another 25 years, till 2026. The same freeze was done in the Constitution (Forty-Second) Amendment Act, the same embargo was carried out in it. After 25 years, we could not effectively

implement a very important measure concerning the entire nation.

India's economy cannot be sustained unless we have an effective population control. This we have been echoing right from the days of Independence. But now, we come with another amendment that we are not able to do the delimitation till 2026, which amounts to saying that we will not be able to control the population figure till 2026. Where our past experience is that we have not effectively carried out, though the people from some of the Southern States like Tamil Nadu, Andhra Pradesh, Kerala and Karnataka benefit out of this Bill.

If this Bill is not passed, we would be placed in a very precarious situation of losing many number of seats in the Lok Sabha as well as in the Assemblies. If this Bill is not passed the Southern States, that is, Andhra Pradesh, Tamil Nadu Kerala and Karnataka would be losing a sizeable number of seats in the Lok Sabha. Whereas the States in the Northern region, the BIMARU, that is, Bihar, Madhya Pradesh, Rajasthan and Uttar Pradesh would be gaining more seats. Their seats will go up to 219 from 204, whereas we will be giving up almost about 16 seats, if this present situation continues till 2026 and if this Bill is not passed.

I would like to point out that the suggestion made by Shri Shivraj V. Patil is confusing and will put the matter in a much worse situation. The reason being when learned Shri Shivraj Patil suggested ways and means of expanding the Parliament, increasing the number of seats and to maintain decorum, he was unable to point out how the seats of the States, which sincerely, impressively follow the population control, can be increased in the Lok Sabha. He is not able to give any suggestion in that regard. There is no solution to that.

MR. SPEAKER: That is only a suggestion. You may or may not take it.

SHRI T.M. SELVAGANPATHI: So, what kind of a measure or what kind of a solution you will have to provide and solve the problem.

The States in the Southern region are sincerely and wholeheartedly following the population control measures. There are laudable measures which these States have taken. Are they to be penalised just because they sail with the policy of the Government? Are they to be punished? This is the moot question, which haunts our minds.

As far as we are concerned, we will stoutly oppose any move that would reduce our representation in the

Lok Sabha. We will stoutly oppose any method that would bring down our representation in the Lok Sabha. Therefore, unless otherwise the Government have a holistic approach on the National Population Policy, unless the Government effectively implements it, this problem cannot be solved.

The Constitution (Forty-Second) Amendment Act, which has already been passed and after this Amendment in 2001, again the whole thing will be back to square one. In 2026, the same situation will be prevailing and the *status quo* will continue. The hon. Minister of Health is here. He should spell out what kind of measure he has got for population control. What kind of incentives they are going to give to the States which effectively follow the population policy.

Now, on paper we say that this is the measure to motivate the States to control the population. Sir, it is only on paper. No State is aiming seriously to have a control over the population. They have so many other things. More than the demographical calculation, there is a political link. We should not be penalised on any account. This is one point.

Secondly, there has to be a uniform policy, a uniform measure and a uniform method by which the population can be controlled and contained by all the States. The Central Government should take initiative in this regard. One State is effectively following it and the other is not intending to follow any control. I want to know as to what measure you are going to have it, what are the checks and controls that you are going to have on that State. When a State is not able to conduct the *Panchayat Raj* election, you are cutting the funds, which are released, from the Government of India. Why do you not think of a such a measure? We can have a law saying that for becoming a Member, if a candidate who has got more than two children would not be allowed to contest the election. Likewise, there has to be a legal embargo. There has to be a stringent law to effectively implement the population control. Otherwise, the *status quo* will continue in the year 2026 as well.

Sir, I would like to point out certain initiatives, which we have taken in our State. If this amendment is not passed in 2026, the State of Tamil Nadu will be losing 11 seats out of 39 seats. Is this the price which we are going to pay? Is this the award which you are going to give to such a State? Sir, in Tamil Nadu, suppose a couple limits their children to two female kids. On the date of birth, a sum of Rs. 20,000 is deposited in the name of the child if it is one female kid, and if they have

[Shri T.M. Selvaganpathi]

two female kids, then each kid is given a sum of Rs. 15,000 by way of a deposit, and after the children become major, they can use it for their marriage or for higher education. The Government of India should support this type of incentive. This type of incentive should be enforced on other States as well. Unless the law is stringent, the *status quo* will continue.

Our apprehension is that this amendment should not be brought forth in 2026 again. Therefore, I urge upon the Government to have a clear-cut population policy and a uniform population policy to strive fearlessly and effectively pursue the agenda with regard to population control. Our point is that the progress of implementation of family planning should be uniform throughout the nation irrespective of what State and which religion they belong to. Therefore, the Government should come out with a uniform policy for all the States.

Sir, I conclude.

SHRI SONTOSH MOHAN DEV (Silchar): Mr. Speaker, Sir, at the outset, I strongly oppose my friend Shri Selvaganpathi's suggestion that persons with two children should only be allowed to contest the election. Sir, I have got four daughters. It should be prospective and not retrospective.

Mr. Speaker, Sir, our very smart and handsome Minister, and a personal friend of mine, has said in this introductory speech that this is what is going to stabilise population in 2026. I started calculating as to what would be my age at that time. I would be about 96 years. Already in my constituency, my political opponents are saying that I have become old because I am now 67 years. So, I will not be there in 2026, and my party may not give me the ticket after some time, but the Minister will be there. I would request him to write a postcard to me at that time as to what the population is.

What Shri Selvaganpathi has said is right. The article here says that after 2026, in Andhra Pradesh, the number of constituencies will reduce from 49 to 39. In Tamil Nadu, it will come down from the present 39 to 31. In Karnataka, from 28 it will become 27. My friend from Kerala is very rightly annoyed because in Kerala, 20 will become 16. That is the incentive in this Bill. So, it should have been drafted very carefully. I do not know what is the average number of children your Cabinet Ministers have. But I must say the Cabinet Secretary has not done a very good job. The reason being today we cannot but ought to extend the situation. If you open the Pandora's box of re-organising and re-orienting the constituency, there will be a serious situation all over the country. already you must be reading the articles regarding both

the States of Uttaranchal and Jharkhand which have been reconstituted. Even the situation might come to that position as is being done by the Election Commission. Some of the States may be overlapping Jharkhand as well as the existing States. It may overlap the position in Bihar and in U.P. also. So, this is really big problem.

I have got eight editorials. I collected just for the sake of interest. Almost all of them have supported this. But they have said that it is not a foolproof method. But one lady journalist—I am sure you know her—has written that you should do some exercise on gender basis. If you do something on gender basis, it will serve two purposes. Yesterday our Prime Minister has said in a meeting before the ladies that you reduce your demand, then only we can act on your demand. Like that, she has also suggested that this is an opportunity. After the delimitation, the constituency where there are more ladies should go to them irrespective of whether it is reserved for SC or OBC or for anybody. The other constituencies should go in different manner.

Again another editorial has criticised the Government very badly, and said that this Government is only creating confusion in the country. They are not solving any problem. It is not a Congress paper. It is also a paper which originally supported you. Probably, after the *India Today*, she has changed her mind and she is telling this. Now, the question is that either today or tomorrow you have to do delimitation. You cannot avoid this for days together. We had also avoided that when we were in Government. You are also avoiding. This is why we are supporting you on this cause. We have no other alternative. But I think some high powered Committee should be constituted and basically something should be done.

We cannot encourage population to go on like anything. We cannot also say that those who have controlled the population should be discouraged. No, it should not be done. I do not know my Party's opinion but I think, in my opinion, you have to keep some economic criteria. Those who are taking money from the Planning Commission, those who utilise property and those whose achievements are much better can get better incentive than others. I come from an area. Some time I differ with my colleagues. They say North-Eastern States are neglected. But whether we utilised properly whatever the money we have taken. If somebody just sees it or if you see that, the utilisation is very poor for which sometimes we feel shy to come and sit before you. But there are certain States like Arunachal Pradesh whose utilisation of Government funds is much better than many of the States in South and other places.

So, why should they not get the incentives?

Today, in Assam we are suffering because no *panchayat* elections have been held. When we go to Shri M. Venkaiah Naidu, the hon. Minister of Rural Development, we are unable to get funds because *panchayat* elections have not been held. He very frankly tells us that the *panchayat* elections were not held and so funds would not be released. It is also connected with the delimitation exercise. The Government that was there previously did not want to face the elections because the delimitation had been done in such a manner that they could not come to any conclusion. Our population pattern is that we have Hindus, Muslims, Assamese and the tribals. This pattern itself creates a situation where it cannot be done easily.

On behalf of my party, I support this Bill. For a change, we will give our full support. We will stay up to 7.30 p.m. But do not take it that this is the beginning of supporting all your Bills. It is not so.

You have to give us something in your speech. I am sure, you would do so because I have known you. You must have something in your own mind. I am spelling out my views and you may also please for once tell us your views and the views of the Government on how the problems could be solved.

18.17 hrs.

[DR. LAXMINARAYAN PANDEYA *in the Chair*]

With these words, I support this Bill. I would very humbly request that something positive must be done whereby population growth is controlled and the purpose of delimitation is also served.

[Translation]

SHRI THAWAR CHAND GEHLOT (Shajapur): Mr. Chairman, Sir, I support the 91st Constitution Amendment Bill and hope that we will come upto the expectations and faith reposed by the hon. Minister while introducing this Bill. I am of the opinion that this Bill will pave the way for enacting provisions in regard to delimitation.

Sir, adjournment should be made after each census. This Constitution Amendment Bill proposes to amend the Article 55 of the Constitution dealing with the election of the President. Article 81 (1) which deals with the composition of the Lok Sabha is also proposed to be amended through this Act alongwith the Article 170(1) dealing with the composition of Vidhan Sabhas and the articles 330 and 332 which deals with providing

reservation to the people of Scheduled Castes and Scheduled Tribes. There is also a huge difference in the number of voters from each constituency. To cite the example of Presidential election, the value of MLA's vote is calculated by dividing the total population of each State with the total number of MPs, it represents and a criteria is fixed by that. This is an imbalanced criteria and it needs to be amended. Though the census of year 2000 should have been made the basis for delimitation, however it was not done, hence the number of seats has been frozen till 2026. Had the census of 2001 been taken as the basis of this exercise, year 2000 would have been covered in it automatically. Hence it was necessary to bring this amendment. On the basis of it criteria for 2026 will be evolved.

It has been stated in the objects and reasons of the Bill that the seats belonging to the Scheduled Castes and Scheduled Tribes could be fixed later on. However, what criteria have been fixed for doing it? I would like to know as to whether or not their number will be increased because the number of seats for Lok Sabha is fixed. It comes to 550 with a total of 530 from States and 20 from union territories. What is the need to increase it. Constitution has provided for 550 seats and as regards the State Legislative Assemblies it has been said,

"That the Legislative Assembly of each State shall consist of not more than five hundred and not less than sixty Members chosen by direct election from territorial constituencies in the State."

It directly implies that there can be upto 500 Members of a Legislative Assembly. So far only Uttar Pradesh Legislative Assembly has 403 Members. There is a scope for improving this number further and it has been permitted under the provisions of the Constitution also. I would like to read out the amendment proposed to be made through this Bill. The third proviso of the article 170 is that:

"Provided also that until the relevant figures for the first census taken after the year 2000 have been published, it shall not be necessary to read just the total number of States in the Legislative Assembly of each State and the division of such States into territorial constituencies under this clause."

However, it does not make it clear whether the number can be increased or decreased. In this regard, I read out the proviso to article 82:

"Provided also that until the relevant figures for the first census after the year 2000 have been published it shall not be necessary to read just the allocation

[Shri Thawar Chand Gehlot]

of seats in the House of people to the States and the division of territorial constituencies under this article."

Mr. Chairman, Sir, I would like to know as to whether the number of seats for Legislative Assemblies can be increased or not when the word 'allocation' does not exist for them and the Constitution provides that this number can be fixed upto 500. I have already said that the number of Lok Sabha seats have been increased to the maximum as per the Constitutional provision and there is no more scope for its increase. When there is a room for increasing the number of seats in Legislative Assemblies, whether these may be increased or not?

Mr. Chairman, Sir, the population of the country has been increasing by leaps and bounds. A large section of our population wants to multiply itself rapidly with a view to capture power because our's is a democratic country and the representatives are elected on the basis of majority voting. It has been claimed that it will check the growth rate of population, however I want to submit that there is a need to enact stringent laws for checking the population growth. Even the persons having more than two or three children should be debarred from contesting elections. If this is not done then the growth rate of a particular section of population will increase unhindered. Those people are confident to come to power after 2026 after sending their elected representatives in large numbers. Hon. Minister is a well known jurist. He should formulate a scheme to combat this threat.

You have good knowledge of national and international Affairs. I request you that stringent laws should be made in this direction otherwise the basic purpose of not delimiting parliamentary constituency till 2026 on the basis of assumption that there will be no increase in the population and if the population increases as per the census it will be adjusted, will be defeated.

Mr. Chairman, Sir, my submission is that the constituencies of Lok Sabha and State Assembly have not been delimited for nearly 20-25 years. This delimitation is quite essential. Several constituencies are geographically very big. There are also constituencies which are 500 km in length and 400 k.m. in breadth. While there are constituencies spreading hardly in 5-7 k.m. in radius. There is one parliamentary constituency which has only 35 thousand voters and there is another constituency where there are 35 lakh voters. Parliamentary constituency of Shri P.M. Sayed is one such constituency where there are only 35 thousand voters. There are several example where the geographical area of the constituency can be

substantially increased as for example the Chandni Chowk and the outer Delhi constituencies. There is one parliamentary Constituency in Mumbai where there are 12-13 lakh voters while there is another constituency which have 35 lakh voters. Thus there is big difference in the number of voters in various parliamentary constituencies so there is need to fill the gap. At the end while supporting the bill I would like to request that effort should be made to take action in this direction and if required Act should also be amended.

DR. RAGHUVANSH PRASAD SINGH (Vaishali): Mr. Chairman, Sir, ninety-first Constitution Amendment Bill is being discussed in the House. I feel that some of the Members are giving wrong argument without any serious thought. They feel that people have deliberately increased their population to have more Parliament seats. They are saying that people have deliberately increased their population. There are several smaller States in the country. There is one State which have only one M.P. while the other State is big enough to have 85 M.Ps. There is also one state that has 10 MPs. Now small States will say to as to how another State have got representation of 85 M.Ps. The States are as it were initially reorganised.

Mr. Chairman, Sir, now they are bringing this Constitution Amendment Bill. The amendment Bill was introduced in 1976 on the basis of 1971 census. Now Constitution Amendment Bill has been brought in 2001. 1991 census has been treated as base. The students will be taught during next 25 years that Constitution Amendment Bill, 2001 was based on the census report of 1991. The basis has been increased from 1971 to 1991 which is alarming. The question will be raised about census. I do not understand why such laws were made by the Government. There are six assembly seats in one parliamentary Constituency in Bihar while in U.P. there are five assembly seats. In some Parliamentary Constituency, there are seven, nine and eleven assembly seats. Thus we find that one M.L.A. represents five lakh people and we represent 10-12 lakh people. How this discrepancy will be removed. Thus in different parts of the country some one represents seven lakh people and some one thirty lakh people. It should be rationalized and the existing number should also be maintained. The existing number of Members of Parliament will be frozen till the year 2026.

Mr. Chairman, Sir, presently there are 30 State assembly seats in Uttarakhand. If the number of assembly seats are increased to 70 it will contradict the Constitution and the law. Please clarify as to what measures have been taken to remove the contradiction. When the law

was formulated the State was not reorganised. ...*(Interruptions)* On that basis the number of seats of MLA will also not be increased in the State. It means that after division of Uttar Pradesh 22 Assembly seats have been transferred to Uttaranchal State and if Hardwar is included its number will be 30. But in the recently passed State Reorganization Bill there has been provision of 70 assembly seats...*(Interruptions)*

SHRI THAWAR CHAND GEHLOT: There is provision in the Constitution.

DR. RAGHUVANSH PRASAD SINGH: Please do not tell me, ask this to the Minister of Law...*(Interruptions)*

MR. CHAIRMAN: Thawar Chand Gehlot ji, you please sit down.

SHRI THAWAR CHAND GEHLOT: I had just now read that it will not be less than 60 so it had to be done...*(Interruptions)*

DR. RAGHUVANSH PRASAD SINGH: I am not objecting on the increase of seats. I am raising technical question that when you are amending the Constitution, then the number of existing seats will not be increased. But you have increased the assembly seats. Is not the Acts of the Constitution applicable to that? The hon'ble Minister of Law should clarify whether he has taken into account this point or he has brought this amendment without any deliberation. The legal experts know it very well how to make right thing wrong and wrong thing right. It is amendment of the Constitution and not a Act. *(Interruptions)*

SHRI THAWAR CHAND GEHLOT: He speaks wrong and when caught, he simply denies it...*(Interruptions)*

DR. RAGHUVANSH PRASAD SINGH: You speak only to interrupt my speech. So please clarify my points regarding the contradiction. after the reorganisation of three States, number of assembly seats in all the States have been increased while they are saying that they will maintain the existing number of seats. There is contradiction between the increase in the number of Assembly seats and the Amendment Bill seeking to freeze the number of seats. We do not have any objection if legislation is brought to increase the number of reserved seats all over the country after delimitation. We have objection in general case however in that case we do not have any reservation. Under what law of the country, the seats which were reserved in the beginning are reserved even today? I do not understand as to how the reserved seats of Assemblies and the Parliament are still reserved. The Minister of Law should clarify this point as

to under what law it is in existence or whether it is illegal as he is going to amend the Constitution when everyone is supporting the Bill, I thought I should raise the real issue. If the whole issue is considered in the context of population control, Somnath Dada had expressed apprehension that the number of assembly seats in some States will decrease or some States will get more representations and this is not related to population control. Population control is a separate issue and the common people should be given information regarding this so that the population control measures could be effectively implemented.

Now it is being discussed to bring legislation to debar those persons who have more than two children from contesting the elections. Usually 1000 persons are elected representatives and even if they bear children their contribution will be insignificant towards the population increase of the country. Who are giving such wrong argument that such legislation should be brought for 1000-500 persons? I have serious objections to such wrong argument. They talk irrelevant things. I agreed when they were talking about Tamil Nadu. There were 85 Parliamentary seats in U.P. Now another State has been carved out from the State. Bihar is also divided as a result of this Parliamentary seats have reduced from 40 to 15. Out of that there are few candidates who win with a margin of 25000 votes while I have to contest in a constituency having 20 lakh voters. How irrational it is? What is solution to this? On the one hand rational things are discussed and on the other hand there are irrational things? Tamil Nadu and Andhra Pradesh lobbies are dominant in the Government who have say in the Government and their wishes can not be ignored and the present proposed constitution amendment is result of that.

Mr. Chairman, Sir, my submission is that whatever Constitution Amendment Bills are introduced in the Parliament, it should be based on some principles. The present Constitution Amendment Bills is not based on any principle. It does not have any uniform policy. I am not ready to support it. The Democracy is based on the power of votes and the fate of the Governments are decided by the number of votes. So the number of Parliamentary seats of a State should be based on the population of the State. The Constitution Amendment Bill which has been moved in the House is not based on the uniform policy. Since you have majority in the House so you may get this Bill be passed by the House but it is not based on the common principle of justice.

Mr. Chairman, Sir, it is in the absence of a common principle that on the one hand while we have smaller States having four lakh population while on the other

[Dr. Raghuvansh Prasad Singh]

hand he have States having 10 to 15 crore population. *(Interruptions)* Your Government did not do anything to win our support. *(Interruptions)*

MR. CHAIRMAN: Raghuvansh Prasad ji, now you please conclude.

DR. RAGHUVANSH PRASAD SINGH: Sir, your Government did not do anything to garner our support. Their Government lack in principle believe in partialism and is sectarian. You should introduce Bill promoting national unity so that our country may progress. So I can never support this Government. *(Interruptions)*

MR. CHAIRMAN: Raghuvansh Babu now you please conclude, otherwise your speech will not go on record. So you please sit down.

DR. RAGHUVANSH PRASAD SINGH: I know what is condition of 'Dalits' in BJP led Government. They are living like bounded labourers. You all know what is position of Shri Karia Munda who is a tribal. The situation is not the same in Bihar. All the Dalits are leading a respectable life in Bihar. The Dalits are getting more respect in Bihar.

MR. CHAIRMAN: Dr. Raghuvansh Babu, now you please sit down. I am inviting next hon'ble Member to speak.

DR. RAGHUVANSH PRASAD SINGH: Mr. Chairman, Sir, I am concluding after saying one more thing. There is a person named Ram Surat Dom who lives in Bihar. Laloo Prasad ji took tea with him at the same bench. From this you can guess as to how much respect is given to dalits in Bihar. You will not find such example anywhere in the country. The respect that is given to Dalits and tribals in Bihar are not present anywhere in the country...*(Interruptions)*

MR. CHAIRMAN: Raghuvansh Babu, your speech is not going on record. Shri Prabhunath Singh.

DR. RAGHUVANSH PRASAD SINGH: Mr. Chairman, Sir, while opposing the Constitution Amendment Bill, I conclude and resume my seat.

SHRI PRABHUNATH SINGH (Maharajganj, Bihar): Mr. Chairman, Sir, while supporting the Constitution (Ninety first Amendment) Bill, 2000, I am giving some minor suggestions.

Mr. Chairman, Sir, when the hon'ble Minister was moving the Constitution Amendment Bill he was telling that 1971 census has been considered as the base and some increase especially in the reserved seats has also

been mentioned. Through you, I would like to know from the hon'ble Minister as to what will be the benefit of this Bill as, 1971 census has been considered as the base for reflecting 1991 reality. The people's representatives are elected on the basis of population, whatever State it may be, so if the number of seats are not increased with the increase in the population then it will not be beneficial in any way. So you are completing only paper formality by introducing this Bill but the real purpose will not be fulfilled unless the work of delimitation of Constituencies is not carried on.

Just now you were telling that in Delhi while one constituency has 23 lakh voters and there is also constituency of two-three lakh voters. The figures are so massive while you do not have correct number of voters. I would like to cite one example in this regard. A large number of people from Bihar and UP come to Delhi to work as labourer and as far as I feel that they are more than fifteen lakh but only five lakh of them might be included in the voter lists. When only five lakh of them are included in the voter list then the figure is as massive as 23 lakh. If all those people are included in the voter lists then you can guess the number of voters. So unless the delimitation of constituencies is done, and equal burden is given to each of the representative, it is not going to benefit the people. The issue of population control has been discussed. I would like to tell the hon'ble Minister that Shrimati Indira Gandhi, while she was the Prime Minister of the country had made ample effort to control the population growth of the country. Today, no one, whether her supporter or in opposition questions her political and administrative capability. However, the way she wanted to control the population through legislation ultimately led to her defeat in the general election and the Congress Party was wiped out from the country from Kashmir to Kanyakumari. So the aim of population control cannot be achieved by legislation. I am not able to understand as to on what basis you are telling that everything will be alright by the year 2026. How everything will be alright, what is the basis for it? So please do not make towering claim in this regard. Unless you win the confidence of the people and convince them, you can not control the population. I am telling this because there are religious communities in the country who do not believe in population control and there are some other communities in the villages who argue that Lord Krishna was the eighth child of his parents. They are also waiting for the eighth child to be a Krishna. It is a true that no one can deny from this fact that it is due to the illiteracy among the village people that they think like this but the confidence will have to be infused among the people. You are telling that those who have more than two children will be debarred from politics. How much population you may control from this measure?

It is not an effective measure. So you will have to take every section and group of society into confidence to achieve the goal. If you want to implement it in the field of politics, you may do it but it will create trouble for Raghuvansh Babu and Shri Laloo Prasad Yadav. So you may implement it but you should also implement in the case of Government Servants that those who have more than two children will be forced to take compulsory retirement. When you are making legislation to debar a person from contesting election on the basis of the number of children, you should also implement the same law in the case of Government officials. You should also think something about farmers too. You can not force them to retire but you may do this that those farmers who have not more than two children will be entitled to have means of cultivation like seeds etc. at a subsidised rate. Possibility is that you may get some benefit from this. You should do something for labourers also. Unless the people are taken into confidence in this matter legislations will not bear fruits as many successive Governments have formulated laws regarding this but nothing substantial have been achieved in this direction. So please do not do it through legislation. I would like to suggest that the Government should take people into confidence to control the population.

Along with this you also say about increasing the reserved seats. It is injustice. If you want to increase the number of reserved seats then increase the number of seats for all as the representatives of Scheduled Castes and Scheduled Tribes are elected on the basis of their population in the respective States. If the reserved seats are increased arbitrarily then it will be at the cost of others. So please increase the number of reserved seats as per the population otherwise if only the number of reserved seats is increased and general seats are frozen, then it will give wrong signal through out the country. I feel that you will not take such steps that will give wrong signals to the country. Without involving myself into a long speech I would like to request that if the number of seats are to be increased it should be increased on the basis of the population of the State as the representatives are elected on the basis of the population. If you want to control the population. If you want to control the population, effort should be made to find out some new measure after taking into confidence the people of the country. The legal provision in this regard will not bear any fruit.

With these words I conclude and support the Bill.

SHRI RASHID ALVI (Amroha): Mr. Chairman, Sir, it is a very important Bill and if the Government intends to freeze the number of Lok Sabha and Assembly seats till

2026 there is nothing to object however the way the hon'ble Minister intends to change the constituency according to population has made me apprehensive about the intention of the Government as I doubt the integrity of the people who are in the Government. Today casteism is at the height all over the country. This evil is deep rooted in the political system. I am not blaming any one party or holding responsible it for this evil. Today the political system of the country has become such that every political party is compelled to give ticket to those persons who belong to the majority caste of the particular constituency. It is because of this that anti social elements whom the society hate have become hero of their respective castes. I would not like to tell openly or name any particular person but it is a question of unity and integrity of the whole nation. I would also like to urge the Government that it should honestly assure the House that in course of delimitation of the constituency it may be ensured that a part of constituency predominantly inhabited by a particular caste is not separated from that constituency so that population of any particular caste is increased and the MP of that particular caste wins the election. I am apprehensive because of the people who are running the Government and the way they are running the Government. Most of the M.Ps have the experience during the election and it is also my experience that when one goes to cast his vote he finds that one particular community dominates in any polling station...(Interruptions)

MR. CHAIRMAN: Alvi ji, only five minute is allotted to your party so please speak in brief.

SHRI RASHID ALVI: I have just now started my speech and you are telling me to conclude in five minutes.

SHRI SURESH RAMRAO JADHAV (Parbhani): Please speak on family planning.

SHRI RASHID ALVI: He does not know whether it is Family Planning Bill or some thing else. If you ask me I will resume my seat.

MR. CHAIRMAN: I have told you to speak in brief.

SHRI RASHID ALVI: I have just started, I would not like to give a lengthy speech rather I would like to speak to the point. I would not like to deliver a lecture. I am well aware of the efficiency of my speech. So I am concluding in 10 minutes. The truth should come on the surface.

While I was contesting election in my Parliamentary constituency the names of the Muslims voters were

[Shri Rashid Alvi]

removed from the voter lists...*(Interruptions)* you please listen. You are not allowing me to speak. *(Interruptions)*

[English]

MR. CHAIRMAN: Hon'ble Members, please do not disturb. Let him speak.

SHRI PRIYA RANJAN DASMUNSI (Raiganj): Sir, what is this happening?

[Translation]

SHRI RASHID ALVI: Goel Saheb, I will also not allow you to speak, I know at least this much. Voter list was torn. Those who had gone to cast their vote were informed that their names were not included in the voter list. It is a matter of integrity that is why I am urging the Government that it should assure us that no trick will be played at the time of delimitation of constituency and caste factor will not be misused for the benefit of any particular community.

Besides this I would also like to tell that voting should be made compulsory. In many of the constituencies Dalits are forcibly stopped from exercising their voting right. So the constitution should also be amended to make the voting mandatory in the country.

Strict action should be taken against those officials who are involved in blocking people from voting.*(Interruptions)* If it is implemented even half of the BJP candidates will not be able to win the election. *(Interruptions)*

MR. CHAIRMAN: You please do not disturb him. He has few time left.

SHRI RASHID ALVI: You have somehow won the election in the name of Ram.

SHRI THAWAR CHAND GEHLOT: You had contested election in the name of Babar.

SHRI RASHID ALVI: You are obsessed with Babar. You scare in sleep after seeing Babar in the dream. The importance of Babar is blown out of proportion that is dominating you. Please do not be afraid of history. Neither you understand history nor any other thing. You became M.P. in the name of Rama.

MR. CHAIRMAN: You, please directly address the Chair.

SHRI RASHID ALVI: Then ask him to keep quiet because I have to give reply to his questions. If voting is made compulsory then only competent people will come to power instead of those who make hue and cry in the House and want to suppress the voice of others.

Mr. Chairman, Sir, I would also like to say that the Government should also consider about the electoral reforms. Along with this Bill, that matter is pending since long. The Government should pay attention towards electoral reforms, voting system and the functioning of election commission and a comprehensive Bill in this regard should be brought forward in the House.

SHRI CHHATRAPAL SINGH (Bulandshahar): Mr. Chairman, Sir, Jaitleyji has introduced the Amendment Bill in the House. According to this Bill the number of Lok Sabha seats will be frozen till 2026. This has been done while considering the objections of some States. It is true that somehow or the other the problem of population should be checked. There is also a contradiction in this Bill. This Bill provides for increasing number of seats for the Members of a particular caste, the Scheduled Castes based on the census of 1991. On the one hand the Government is giving message to all the people of the country that seats will not be increased on the basis of population, on the other hand it is increasing the seats of particular caste on the basis of population. That is why I am saying that there is contradiction in this Bill. The population of this country can be controlled only when there is no increase in the population of any class. If even a single class takes interest in increasing the population then it will become difficult to check the population growth of country. Therefore, I would like to tell the hon. Minister that the provisions of this Bill should be universally applicable. It should be applied to all classes and sects of the society as it applies to all the States.

SHRI RASHID ALVI: The population of which class is increasing?

SHRI CHHATRAPAL SINGH: You first read the Amendment Bill. In this Bill there is a provision that general seats will not be increased, only reserved seats will be increased. In this way, we find that ratio of general seats will go on decreasing from the proportional point of view. My submission to the hon. Minister is that if we delete this clause from the Bill then the Government will be successful in conveying its message of checking population.

As far as the question of problem of population is concerned, the Government is adopting every means for checking the population explosion. During the tenure of Shrimati Indira Gandhi various laws were enacted but I

would like to say that population cannot be controlled by merely enacting laws but as Shri Prabhunath Singh had said a clause should be inserted wherein the provision for punitive action, against the families not complying with small family norms, are mentioned either by curtailment of their ration-quota or withholding their scholarships or denial of licences. In this way, we should take initiative. If we take initiatives then certainly the people who have not been paying attention towards small family norms will be discouraged and a new beginning in the direction of checking the population of the country will start. I do not want to give a long speech. I would like to add one more point that any particular section of society or any State of the country or any service class should not be encouraged for increasing population. I would like to raise one more point that since we have accepted reservation for OBC in Government jobs, they should also be given reservation in Lok Sabha and Legislative Assemblies.

[English]

SHRI K.H. MUNIYAPPA (Kolar): Mr. Chairman, Sir, our Party is supporting this Bill, that is why, we are supporting it. But there is no meaning of introducing this Bill for amendment because nothing will come out of it. It talks about no changes, no de-limitation, no rotation, and no increase of seats. I do not know what is the meaning of this Bill. Of course, Shri Arun Jaitley, the hon. Minister, is a good lawyer but he is arguing a bad case. Nothing is there in the Bill which he has placed before this august House.

In 1952, Parliament formulated 545 constituencies. For the last 50 years, we have not rotated the constituencies. It is my personal view. My Party has already taken the decision to support this Bill. But I have to express my viewpoint. The constituencies for Scheduled Castes and Scheduled Tribes were fixed. Sir, 70 to 75 per cent of the population belong to other community. But they could not contest elections from other constituencies. They are fighting election from their constituencies only for the last 50 years. we are ready for the rotation. We want to fight elections from other constituencies. Let other people contest election from our constituency. We can work for the party. We are not bothered about it. Where is the democracy? What is the meaning of article 14? Are you protecting article 14? As Shri Shivraj Patil has said, we could shift this House to the Central Hall. What is the meaning of adult franchise? I do not want to elaborate on these things. Everything has been explained by Shri Shivraj Patil and Shri Somnath Chatterjee.

Sir, I would like to make three points. As far as de-limitation is concerned, it will not serve the purpose. I do

not know whether they are increasing the seats for Scheduled Castes and Scheduled Tribes. If that is the case, there is some meaning of this Bill. They are trying to take advantage of the votes of Scheduled Castes and Scheduled Tribes by giving these seats to them. They would not be able to succeed because they have failed utterly. The DoPT issue is still pending with the Government. They could not come out with a solution. The hon. Prime Minister assured on the floor of the House twice. But he could not solve that matter. In Karnataka only 300 engineers are affected. Yesterday, Government of Karnataka issued the orders for demoting them because the Supreme Court has given a decision according to which before 20th they have to issue orders.

19.00 hrs.

The fate of 200 engineers belonging to Scheduled Castes and Scheduled Tribes is sad. They are demoted. This is the situation. Members of Parliament of all parties belonging to Scheduled Castes/Scheduled Tribes forum urged the Prime Minister that this is a genuine case. But they were not able to solve this problem. By saying that these are Scheduled Caste/Scheduled Tribe seats, they are thinking that in the coming elections, we will achieve something. I am not for that purpose. What is the ratio of the population of Scheduled Castes and Scheduled Tribes? It is 27.5 crore and what about the seats for them? We are legitimately eligible for seats based on this ratio of population. About 27.5 crore of the population of this country belong to Scheduled Castes and Scheduled Tribes. I do agree that you have to give seats to other communities also. You can increase the number of seats for them. We have no objection for that. But this Bill will give no useful results. Shri Shivraj Patil has mentioned that the number of seats will be increased by seven. We welcome it but it should not be at the cost of other communities. You can simultaneously increase the seats for other communities for which we have no objection. But it will not serve the purpose.

The Welfare Minister is representing 20 crores of our population. All the MPs, irrespective of parties, have requested that it should be elevated to Cabinet rank. But that was not taken up. We have urged upon the Prime Minister but that was not elevated. Unfortunately, the Minister is very much interested in animal welfare than the welfare of Scheduled Castes. Animal welfare is very important for her than the welfare of SCs and STs. It is very kind of her and we appreciate that she is taking interest in animal welfare. it should be taken care of by Shri Ajit Singh and not by Shrimati Maneka Gandhi. But this is what is happening. Some funds have been diverted to other areas. Even funds which have not been sufficiently given have also been diverted. No doubt, she

[Shri K.H. Muniyappa]

is dynamic but not working sufficiently for the welfare of these people.

Shri Jaitley, this Bill will not serve the purpose. Ultimately, we have to support it. We had decided to do it once in ten years but today, you have decided to do it in 20 years. I have clearly said that without rotation, there is no meaning of introducing or passing this Bill.

I would like to inform this august House to the Minister, through you Sir, that this is like a hidden agenda. If you think of a political advantage, it will not help you. Only the Congress Party, under the dynamic leadership of Shrimati Sonia Gandhi, has to come to power. Only then, the problems of the weaker sections of the people will be solved. The programmes on delimitation and rotation will come out not from you people but from the Congress Party. But, as decided, we have to support the Bill. No results will come out. Nothing useful will come out of this Bill.

MR. CHAIRMAN: Nothing will go on record. Shri Ram Nagina Mishra may speak now.

...(Interruptions)*

[Translation]

SHRI RAM NAGINA MISHRA (Padrauna): Mr. Chairman, Sir, I rise to support Constitution (Ninety-First Amendment) Bill introduced by hon. Minister.

I am happy that today the entire House has unanimous decision over this Bill that it should be passed. But after listening to the views expressed by learned colleagues, I feel that there is some contradiction in this Bill. In Para 4 of the objection and reason of the Bill it has been written that the number of seats reserved for SCs and STs in Lok Sabha and State Legislatures should be refixed on the basis of population as per the 1991 census.

The opinion of the hon. Members is divided on this issue. I have come to this conclusion after listening to the speech of Shri Shivraj Patil, who is the senior leader of opposition party. He opines that an increase should not be effected in the number of seats for a particular section of society but it should be based on total population. He is a scholar and also a senior leader of opposition party. I have heard his views. The opinion of the senior leaders of my party is not different from his views.

* Not recorded.

Sir, in the Constitution the provision of reservation was made for 10 years so that the weaker section of society comes at par with other sections of society and we are still continuing this reservation policy which is a welcome step. But this will once again give rise to dispute, enmity among people and involve legal procedure also. I would, therefore, request the hon. Minister that keeping in view the sentiments of people, if at all the number of seats have to be increased it should be increased on the basis of population and not on the basis of particular section of society...(Interruptions)

SARDAR BUTA SINGH: This is the opinion of BJP.

SHRI RAM NAGINA MISHRA: I had this thing earlier. Perhaps, you would not listen it. I have come to know this from the statement of Shri Shivraj Patil who is the senior leader of opposition party. He is present here, you can ask him. He also had the opinion that if at all the number of seats have to be increased, it should be increased on the basis of population...(Interruptions)

SARDAR BUTA SINGH: This is a good thing.

SHRI RAM NAGINA MISHRA: Besides other Members, Members from our side also have expressed their views. (Interruptions). This is true. I also remember the day when Sanjayji was alive. During the tenure of Shrimati Indira Gandhi efforts were made to check population but since it was propagated in a wrong manner, despite everything people got angry and defeated the Congress. Further so far as the population control is concerned, law and social efforts both are needed. An effort was made recently in which all the Saints be they Christian, Muslim and Hindu said that they would make efforts to control population. Besides, provision should also be made in law. You just tell me, is this not an injustice?

Sir, recently an hon. Minister from Assam has tendered his resignation. He married twice. I would like to say that the restriction should be imposed on a person having four wives. The marriage of a person getting married more than once should be termed as illegal and restriction should be imposed upon them. Restriction should also be imposed upon Government employees and farmers. In South-India, the population has been controlled. The number of seats should not be decreased there. However, the number of seats should be increased in those areas where the population has increased. With these words, I conclude my speech.

[English]

SHRI K.A. SANGTAM (Nagaland): Mr. Chairman, Sir, I am really thankful for giving me this opportunity to speak. I stand here to support The Constitution (Ninety-First Amendment) Bill, 2000. I stand by my party to support this Constitution Amendment. I am aware of what this Amendment is all about. But I would like to express the sentiments of the people of North-East, particularly in the context of three States which have only one MP each. With regard to Union Territories, there is no problem because the responsibility is shared between the Centre and the States. But full-fledged States like Nagaland, Mizoram and Sikkim have one MP each. When the State of Nagaland was formed in 1963, an Agreement was arrived at between the Union Government and the Naga people. It was a 16-point Agreement. I would like to quote a portion of that 6th point of the agreement. Under this heading Representation in the Parliament, it says:

"Three elected Members shall represent the Nagaland in the Union Parliament, i.e. Two in the Lok Sabha and One in the Rajya Sabha."

But because of the population was small at that very moment, the Government said that we had to wait till the population increased. In 1963, our population was only 3.5 lakh. Therefore, the representation was given only for one Lok Sabha Member. We have got 19 lakh people as per the 2001 census. Looking at the responsibility that one has to carry out as a full-fledged State like Nagaland, Mizoram and Sikkim, we have got only one representative. The other States like Meghalaya, Manipur and Arunachal Pradesh have got two Lok Sabha Members. We have also got 16 tribes in Nagaland. There are different languages and customs in the State and its character is quite complex.

I would like to stress here that ever since the State was formed in 1963, since Pandit Jawaharlal Nehru's time, the Centre has been paying a lot of attention and giving a lot of consideration to Nagaland. I am very happy that this august House is also attaching a lot of importance to the North-Eastern States, particularly to Nagaland. On 19th March, 1999, Resolution was passed by the State Assembly of Nagaland. It goes like this:

"It is hereby resolved that the number of seats of Nagaland Legislative Assembly be increased from 60 to 80 and the allocation of seats with respect to the State of Nagaland in the Council of States and the House of Representatives be increased from one to two, and one to three respectively."

So, I would like to express here the sentiments of the State of Nagaland and its people. The Central Government is attaching importance to the North-Eastern States, particularly to Nagaland. I plead that this Resolution be accepted which was adopted by Nagaland Assembly.

Some hon. Members have expressed their view about this legislation and I am fully aware as to why this Constitution (Amendment) Bill has been brought forward. But, in the case of our State, from 1963 till today, only one seat has been given. As a single Member representing Nagaland, I have to run from pillar to post to get everything done. Suppose I have a problem in my State, there is nobody to do roaster duty in the House in my absence but whereas States like Meghalaya, Arunachal Pradesh and others they have got two Members who can share the responsibility.

So, I would request the Government of India and the august House to consider my request. In respect of the State of Nagaland, the number of Lok Sabha seats should be increased from one to two.

With these words, I conclude.

SHRI BHARTRUHARI MAHTAB (Cuttack): Sir, I rise to support the Ninety First Constitution (Amendment) Bill, 2000. On behalf of my party, we have been instructed to support this Bill. But I have my personal opinions also.

This Bill has been discussed threadbare. But I would like to raise some points where I have my personal opinion. At the outset, as has rightly been stated by Shri Selvaganapathy relating to the situation of population explosion in the country, I would like to State that during my college days, one of the History Professors used to say one thing about *Mahabharata*. The 18 *parvas* of *Mahabharata* were by the sage Vyasa. As a student of history, one can write, speak and narrate certain historical situations threadbare for hours together. But one can also, as a student of English literature, mention the same situation in only one sentence.

He used to narrate about the *Mahabharatha*. The *Mahabharatha* war was fought - Yudhishtra got, Duryodhana not. That is the whole history of *Mahabharatha*. Similar is the case with regard to what has been discussed today, as has been rightly pointed out by elder brother, Shri Trilochan Kanungo. We are discussing about the dichotomy of the representatives present here in this House. A Member represents 29

[Shri Bhartruhari Mahtab]

lakh voters - with one Member, with one vote; we have another Member in this House, whose constituency comprises only 29,000 voters. This is the dichotomy. The Constitution says that after every Census, the Government and the Parliament should strive to bring in equity between this dichotomy. I think that an attempt was made in the Seventies. Later on, even today, we are not actually attempting to meet that challenge. The challenge of today, is the apprehension which has been expressed by the hon. Members from the Southern States. What has happened? I am not going to deal with other topics. But I want to raise one aspect which has not been discussed till now.

Already the Southern States which have a better record of the economic progress, have already been penalised — it is not that they are going to be penalised by limiting the Central financial assistance. *(Interruptions)*

MR. CHAIRMAN: Please wind up.

SHRI BHARTRUHARI MAHTAB: If you do not allow me to speak, then I can sit down.

Already the Southern States have been penalised. The Central financial assistance has been limited to the Southern States because of its economic development, according to the recommendation of the Eleventh Finance Commission, I would turn this as a laudable decision if more funds are provided to the weaker States like Orissa, Bihar, which have been neglected repeatedly by different Governments. But the most pertinent question is as to whether it has any effect on population control. A number of suggestions have been made thereto.

Secondly, I would like to draw the attention by my humble remark. Freezing the Lok Sabha seats and Assembly seats, at the current level, earns only a temporary relief. We are only postponing the problem to the year 2026. But what is the remedy? This is the time I think where we can get some benefit from our learned friend, the hon. Minister, Shri Arun Jaitley to come out with certain suggestions. What should we do? How to modulate our ideas? In 2026, the next generation will be sitting here. Many of us also will be sitting here, I am sure. How are they going to face that problem? In 1976, we shifted it to 1991. Again, in 1991, we shifted it to 2000. Again, we are shifting that responsibility to another generation. How do we modulate that idea? Population, definitely, is going to modulate our representative character in this House. But, how are we going to do that? How are we going to meet that challenge of dichotomy?...*(Interruptions)*

MR. CHAIRMAN: Please conclude.

SHRI BHARTRUHARI MAHTAB: Chandigarh is an exception, after the division of Punjab. Similar is also Lakshadweep. So also Thane and Outer Delhi.

I would like to conclude by saying that freezing the Lok Sabha seats and the State Assembly seats, at the current level, earns only a temporary relief.

Thirdly, by giving an indirect reward for failing to keep the population in check, which is the national objective, the Government is partially undoing the intent of the present legislation. This could have been avoided had the Government been able to resist the pressure of the Scheduled Castes and the Scheduled Tribes lobby and stuck to 1971 Census as the uniform basis for these amendments.

SHRI ANANDA MOHAN BISWAS (Nabadwip): Mr. Chairman, Sir, I thank you for giving me an opportunity to say a few words in this debate on the Constitution (Ninety-first Amendment) Bill, 2000 brought by the hon. Law Minister before this august House. I support this Bill. But I would like to say that this Bill is not above criticism. The hon. Minister is freezing delimitation of constituencies till 2026, by linking it with the National Population Policy. But it is nothing but beating around the bush.

Sir, we know that our fiscal policy is based on planned economy and the success of our economy is depended on the national population. So, our population must be concise. This is the first and foremost ingredient for the success of our economy. But the methodology adopted by the Government is curtailing the fundamental rights, human rights and constitutional rights of the people whereas on the contrary they boast of championing the cause of human rights, democratic rights and fundamental rights.

Sir, we have set up so many commissions in this country. We are also thinking of bringing about electoral reforms, which includes State funding of elections. Now I feel that this Bill is lacking prudence. I would like to mention here that the hon. Minister did not apply his mind properly while placing this Bill before the House. There is no clarity in this legislation. For example, there are 3 lakh voters in a constituency and in Delhi whereas, there are over 30 lakh voters in a constituency in Mumbai. In the State of West Bengal, there are 3-1/2 lakh voters in an Assembly constituency and in another constituency there are only 85,000 voters. So, if the number of constituencies remain fixed till 2026, what will be the actual situation? It may so happen that by 2026 the large Parliamentary Constituency may contain well over one

crore voters. How can an MP effectively attend the problems of such a huge population to their satisfaction?

Sir, article 330 and 332 of the Constitution provide for political reservation for the Scheduled Castes and the Scheduled Tribes and this concession had been given to them based on 1971 Census. But in this Amendment, the privilege that has been given to them will also be frozen till 2026, after the 1991 Census, in the process suspending their constitutional rights for the period between 1991 and 2026.

MR. CHAIRMAN: Please conclude.

SHRI ANANDA MOHAN BISWAS: In spite of all these anomalies, I support this Bill, with the aforesaid reservations.

[*Translation*]

SHRI AVTAR SINGH BHADANA (Meerut): Mr. Chairman, Sir, I rise to support this Bill. I would like to draw the attention of the Government that after a long time, it has taken a good initiative by bringing forward this Bill and at the same time it has tried to bridge the gap between its speeches and actions. Through this Bill, the Government intends to amend the Constitution of the country. We look forward to hon. Law Minister that he would ensure that this Bill is implemented at the earliest. This law is the need of the hour. Under the provisions of the Constitution some of the seats were reserved for 10 years and a provision was also made for rotation of such seats. There are a number of seats in Lok Sabha and Legislative Assemblies which continue to be reserved since 1952. However, if these seats are rotated, it would provide opportunities to the deserving people belonging to downtrodden strata of society.

Mr. Chairman, Sir, the community to which I belong has been subjected to injustice for long. Alongwith Lok Sabha, there are several Vidhan Sabha where the seats have not been rotated. I would urge upon the Government to take this aspect into account when delimitation is done because it will benefit all the communities and classes of the society.

Mr. Chairman, Sir, all Members have said that increasing population is a matter of concern and it should be taken care off. As far as I am concerned, I feel that every person though he may belong to any class or community, if he is honest towards his country, he will be definitely concerned with this issue. The problems of the country would continue to increase alongwith the increasing population. No party can find its solution. But

for this, restrictions should not be imposed. I would like this Government to enact a law that ensures justice to the people belonging to all communities and classes. I hope the Government will implement this law at the earliest.

19.28 hrs.

[*MR. SPEAKER in the Chair*]

This should not happen that after bringing this Bill, the Government boasts of initiating and taking credit to have brought this Bill. I feel that some communities are coming to the conclusion that through this Bill the Government wants to impose restrictions on them. This thing should not happen. This Bill is a welcome step and if it is implemented at the earliest, it would help create this impression that this Government sincerely wants to enact and implement this law and not just pretending to do so. I hope that this law would come into force at the earliest. With these words, I support this Bill.

[*English*]

SHRI PRIYA RANJAN DASMUNSI: Sir, Shri S. Jaipal Reddy has a small point to draw his attention. It will help you.

SHRI S. JAIPAL REDDY (Miryalguda): Mr. Speaker, Sir, at the outset, I must thank the Minister because I have had the benefit of interaction with him since morning on some of the aspects of this Constitution (Amendment) Bill. I am in total agreement with the basic objective of this Bill. I wish to place on record two reservations. One, there is no need to freeze the number of seats in the State Legislatures.

The basic objective of the Bill is to freeze the existing proportion of seats in Lok Sabha among the States. Therefore, we are exceeding the brief by freezing the number of seats in State legislatures. I do not want to amplify the point for want of time.

The second point, I am coming to, is this. This is going to be based on 1991 Census. We are passing this amendment in 2001. Therefore, reference to 1991 is rather not tenable. If we go back to pre-Forty-Second Amendment situation, the expression used in the Constitution was 'the last preceding census'. No year was mentioned there. Even now, in my view, it is not too late to replace the word '1991' by 'the last preceding census', in which case the following things will follow:

The delimitation will take place once in every ten years, which was the original objective of the Constitution;

[Shri S. Jaipal Reddy]

makers. You are freezing the process of delimitation. The Constitution-makers have envisaged delimitation for every decade. The process of decennial delimitation is being decimated.

Therefore, I would urge the hon. Law Minister to consider this. At the last minute, even if he cannot reconsider the freeze on Assembly seats, kindly consider this. Otherwise, this Parliament and the State Legislatures will have to amend the Constitution three times to meet the same objective in the next 25 years.

[Translation]

SHRI HARIBHAU SHANKAR MAHALE (Malegaon): Mr. Speaker, Sir, I am grateful to you for giving me an opportunity to speak. The hon. Minister has a good image, he is soft spoken and he is performing his work very well, as his name suggests. I request him to pay attention towards the plight of primitive tribals. I had left for my constituency on Friday from here and reached Malegaon on Saturday at 4 O'Clock. The leader of Opposition, Shrimati Sonia Gandhi was also on a visit to Malegaon. Malegaon Legislative Assembly has a population of about 5.5 lakh people. I attended three meetings there and then wound up my visit to this constituency. Next day, I left at 7 O'Clock in the morning and visited three tehsils of Sargaana, two of them being Thrayambakeshwar and Peth, about which Shri Sushil Kumar Shinde knows very well. However, I could only cover one tehsil during the entire day. With due apology to Shri Shivraj Patil, I would like to state that he referred to the number only and not the area. It would be injustice to the tribals. Presently, there are four Scheduled Tribe members from Maharashtra, which will increase to eight next time. There are 40 Scheduled Tribes Members in the House at present and their number would also go up since the area is going to increase. The length of my constituency from east to west is 250 kms and from South to North 150 kms and it comprises of eight tehsils. Therefore, the area of constituencies reserved for tribals would be doubled. I do not understand why the hon. Minister mentioned the issue of census in this Bill, it is a big programme. I request him to exclude it.

SHRI RAMDAS ATHAWALE (Pandharpur): Mr. Speaker, Sir, the Bill which Shri Arun Jaitley has introduced, provides for freezing the number of Lok Sabha seats till year 2026. I think it is not proper. I was under the impression that a Bill providing for increasing the number of seats will be moved, but it seems that as Shri Atal Bihari Vajpayee has told Shri Arun Jaitley that he was finding difficulty in running the

House with present strength and it would add to his difficulty once seats were increased, he advised against bringing such a Bill.

Mr. Speaker, Sir, I was under the impression that the Bill would provide for freezing of seats only till year 2004 because elections would be due in that year and this Government will not be coming to power then. The Scheduled Castes and Scheduled Tribes constitute 27.5% of the total population in the country. If you are not increasing other seats, I would suggest that the seats reserved for SC and ST should be increased. I am not opposed to increasing the number of general category seats as well.

Mr. Speaker, Sir, through you, I request Minister of Law that the present strength of Lok Sabha should be increased by 300 as little scope will be left for introduction of Women's Reservation Bill unless the present number of seats are increased in this House. I would request all women Members not to cast their vote in favour of this Government unless present strength of Lok Sabha is increased by 300 seats. I would especially request Kumari Mamata Banerjee, I do not know whether she has been included in the Cabinet or not but I would request all women members sitting on the other side that if they want 33 per cent reservation for women, they should ask Shri Arun Jaitley to increase the number of Lok Sabha seats. We support reservation for women and want that Lok Sabha seats should be increased.

Mr. Speaker, Sir, on 14th October, 1956, Baba Saheb Ambedkar embraced Buddhism in Nagpur. After that, six Lok Sabha and 18 Vidhan Sabha seats were reduced. At that time, there were 56 Members in Vidhan Sabha. When Shri Vishwanath Pratap Singh became the Prime Minister, he decided to give incentives to Buddhists, but seats were not increased. There should be an increase of 3 Lok Sabha seats and 18 Vidhan Sabha seats in Maharashtra. That is why, I do not support this constitutional Amendment Bill. I would like to tell all women Members that 50 per cent women Members support our view point and that is the reason they defeated the Congress party. I request all women Members who are present here, including Sonijji, who has supported this Bill in her speech to oppose this Bill at the time of voting. There should be reservation for women. I request Shri Arun Jaitley to consider this point.

"Agar aap seatain nahi badayenge to hum tumhe aapas mein ladayenge, aane vale chunav mein hum tumhe harayenge aur phir sab milkar hum apni sarkar banayenge."

[English]

SHRI ARUN JAITLEY: Mr. Speaker, Sir, I must at the very outset express my gratitude to the large number of Members of the House, who spoke on this particular Bill. Almost all of them, barring, perhaps, the last speaker, supported the legislation. I would urge the hon. House not to follow his advice because if his advice is followed, a very great constitutional vacuum would be created.

The delimitation process decided by the 42nd Amendment lapsed in the year 2000. Therefore, this House has to make a constitutional arrangement for the future. This constitutional arrangement for the future can only be on the basis of a complete consensus, which was arrived at before the Standing Committee where it was decided to freeze the number of seats till the year 2026.

I must also express my gratitude for the fact that a very large number of suggestions have been made which were not essentially partisan in character. But on various issues such as the population policy, the need to effectively enforce it, very constructive suggestions have been made. There are a few suggestions, which have been made which I would only like to respond to.

I am conscious of the fact that the debate has gone on for a very long time and I will try and be very brief.

Shri Shivraj V. Patil, while supporting this Bill, raised a few questions which, he said, he was raising in his individual capacity. He felt that there was a need to increase the number of seats as far as Parliament is concerned. And for increasing the number of seats, the principle rationale he felt was that the size of constituency is becoming very large, and the size becoming very large, it is becoming difficult for Members of Parliament to be in regular touch with their constituents because the number of constituents today is in several lakhs. If this 100 crore population becomes 140 crores by 2026, then, perhaps, the difficulties of Members of Parliament would increase. Now this fact have been discussed specifically in deliberations by the Standing Committee. As against this, the counter-viewpoint was also discussed. In fact, he made very constructive suggestions. Actually, if the number of seats is increased, perhaps, the Lok Sabha could be housed in the Central Hall.

The problem was not architectural but it was more conceptual. The conceptual problem was this. How is it linked to the Family Planning Programme? This is linked to the second question which was raised by him and by Shri Somnath Chatterjee. The Family Planning Programme has to be enforced by the States. The Central Government has a responsibility. There are some State

Governments which are trying to effectively implement the Family Planning Programme. Now, those States which are effectively trying to implement the Family Planning Programme, if they are faced with the political disincentive that their representation in Parliament will decline because they have effectively implemented the Family Planning Programme, we are then creating a disincentive for those who are effectively trying to implement the Family Planning Programme in this country. Before the Standing Committee which was headed by Shri Pranab Mukherjee, we were faced with these two dilemmas. The constituencies are becoming very large. As against this, we must, therefore, freeze the number of seats as at present on the basis of 1971 figure and continue this freeze for 2026 because the National Population Policy which has been announced for which efforts are being made to implement, the target date is 2026 by which we expect, if properly enforced, the population stabilisation takes place. Therefore, the House being sovereign, will certainly have an opportunity at that time or any time before that to consider whether this process which has been decided by this Amendment today requires to be altered or does not require to be altered. Therefore, it was felt that there is an intrinsic link between freezing the number of seats. The freeze will not create an incentive for those who are not enforcing the Family Planning Programme. The freeze will not create a disincentive for those who are effectively trying to implement the Family Planning Programme.

This being the position, it was felt that the freeze must continue till the year 2026. This was the consensus amongst all political parties; all Members of the Standing Committee were of the same view. While continuing the freeze till the year 2026, we are all conscious of the fact that particularly between 1971 and 1991 due to the rapid growth and urbanisation that took place, distortions have come into play with regard to the sizes of individual constituencies. Therefore, to remove those distortions, we have to constitute a Delimitation Commission, which would take all the relevant factors into consideration and while delimiting the constituencies, as far as possible make sure that the constituencies of similar sizes at least within a State. The number of constituencies in every State is going to be frozen. It was therefore felt that within a particular State, the constituencies would be of similar sizes. Of course, one problem would remain. Between two States the constituencies may be of different sizes. There could be areas, which, because of geographical factors could be smaller. As a result of the freezing that is taking place with regard to the number of seats, the figure could be different. But within the State, they would be of similar sizes.

A question was raised with regard to what was being perceived as a new provision being made with regard to

[Shri Arun Jaitley]

the proportion of seats of the Scheduled Castes and the Scheduled Tribes. There is no new provision being brought about by this particular Bill. Article 330 is a part of the original Constitution. Article 330 says that as far as practicable the number of Scheduled Caste and Scheduled Tribe seats would be in proportion to the population of the communities. That principle is being given its logical extension as far as this amendment is concerned. Nothing new on that score is being added.

SHRI SHYAMACHARAN SHUKLA (Mahasamund): Is it not a disincentive for family planning for the Scheduled Castes and Scheduled Tribes?

SHRI ARUN JAITLEY: This is a decision, which the Standing Committee considered. The consideration and consensus was that there was no occasion today to start reviewing what was the original provision in Article 330. The figure and the proportionality that is there in the Constitution need not be reviewed today. This was the consensus that had arisen among members of various political parties.

A question was raised by Shri Somnath Chatterjee, to which I had referred in my opening statement. Today, we are in the year 2001. The 2000-2001 census has already taken place. Why are we therefore referring to the 1991 census in this legislation? We are referring to two particular censuses. For the purposes of freezing the number of seats, we are referring to the 1971 figures even today and it will continue to operate. For readjustment of constituencies, we are referring to 1991. The administrative anticipation is that the accurate figures, after tabulation of the last census would be available only by the end of 2002. Since it would be available by the end of 2002, if the exercise of delimitation were to start thereafter, it might not be possible to conduct the next elections on the basis of the 2000-2001 census. Last time, the process of delimitation took four years from 1972 to 1976. This time, it is expected to take much lesser time; but it would still take sometime. Last time, the entire delimitation had to begin afresh. Today, the seats are not increasing but the readjustment of seats is taking place. Also additionally, we have new technology and computers are available whereby this process would become easier. Therefore, it is on account of this fact that the next election might be relatable to the 1991 census rather than to the 1971 census that we have consciously take this decision.

SHRI PRIYA RANJAN DASMUNSI: Are you apprehending Lok Sabha elections in 2002?

SHRI ARUN JAITLEY: I do not hallucinate.

A question was raised by Dr. Raghuvansh Prasad Singh: 'Whilst we are freezing the number of seats, why have we increased the number of seats in the recently created Legislature in Uttaranchal?

[Translation]

You have questioned as to why we increased the number of seats in Uttaranchal. We have to increase the seats because it is written in Section 170 of the Constitution that the number of seats in any Vidhan Sabha cannot be less than sixty. Therefore whenever a new state is created, it will have atleast 60 Vidhan Sabha seats.

[English]

Hon'ble Member Shri Rashid Alvi raised a question. He, in fact, thought that the delimitation is being done or proposed to be done for some collateral purpose, there is some tinkering of the constituencies which is going to take place. He probably was under an erroneous impression that the Government undertakes the exercise of delimitation. The Government does not do it. After this amendment becomes law and a part of the Constitution, this House will have an occasion to consider a separate legislation which will be the delimitation law. Under that delimitation law, the principles on which delimitation is to be done like equality in terms of population, contiguity and various other factors are mentioned in the law itself. As regards the body which will do the delimitation, there is also a participation and involvement of various political interests also in that body. That is in association of them. That body will also be constituted by virtue of that law and the exercise of delimitation is entirely done as far as that body is concerned.

There were some suggestions with regard to the feelings of some hon. Members of the North-East. I certainly respect those views. I am sure that this House, when it legislates in future, will keep those sentiments in mind.

Sir, two very important questions were raised by hon. Member Shri S. Jaipal Reddy. One is with regard to the point as to why we are freezing the number of seats in State Assemblies. He felt that because of the incentive of the family planning programme, you may freeze it with regard to Lok Sabha so that no State which is a defaulting State in terms of family planning programme gets an advantage over the performing States; but within their own Assembly you can keep increasing the number of seats. I may just mention that this is the only question on which one of the hon. Members of the Rajya Sabha had disagreed with the views of the Standing Committee. He had raised this objection repeatedly when it was raised

and I would just quote what the Chairman of the Standing Committee had mentioned then. It is a very sound logic.

"Regarding freezing of Assembly seats the same logic as to that of Lok Sabha applies because it was considered that more people more number of seats; the whole Act has a disincentive to the population control policy; never it is in respect of the Lok Sabha seats or the Assembly seats. Therefore, it was thought that these should be frozen at the population level of 1971 and the number of seats should be made available on the basis of delimitation".

It was effected in 1971. This logic prevailed in 1971 when this amendment was passed and this logic has been applied to Assembly seats and it continues to operate even today. This is the view which Shri Pranab Mukherjee has taken, which found favour as far as the rest of the Standing Committee except one Member.

The second question which he raised was that when we are extending the deadline that we are going to delimit today, are we going to bind ourselves for the next 26 years, when particularly after the 1991 census we will have the benefit of the 2001 census or 2011 census or 2021 census? May I just suggest that when the original Constitution was drafted, the provision in the original Constitution was that on each occasion, for the purpose of delimitation, the figure of the preceding census had to be taken into consideration?

In 1976 it was felt that this exercise may not be required to be repeated every ten years. Therefore, after the original Constitution had continued to hold force, then every time a census is over, delimitation, naturally, would follow even though the changes maybe marginal or substantial. The 1976 amendment then linked it to the 1971 census and in 1981 and 1991 the then Legislatures felt that it was not necessary to do the delimitation again and, therefore, they did not carry this forward. Today we are feeling that because the 1971 figures may have become a little out of date, it is 30 years behind, we need to have a fresh round of delimitation now. It will always be open for the Parliament when they have future census figures available, if they find that a considerable deviation from the preceding census figures to just change the date which we are now pegging on at 1991 to either 2001 or 2011. But it will be open to the wisdom of this House to consider changes at that time. There is no such bar that this House will not be able to do this. The House is sovereign. It will always be within its rights to bring about those changes.

After all, every ten years, for the purposes of reservation, we make amendment and make appropriate

extensions also. Therefore, it will always be within the rights of this House to consider the situation every 10 years whether a fresh delimitation is required and therefore, that date will have to be altered in the Constitution accordingly. Sir, these are some of the broad points which have been raised.

Of course, one question was raised with regard to whether seats on the basis of reservation should be rotated or not. The issue has been specifically discussed, but then it was felt that a Constitution amendment has to be on the basis of a larger consensus in the House and since there was no larger consensus even before the Standing Committee, they did not find favour with this particular suggestion. Sir, these are some of the basic questions which have been raised. I am once again very grateful to the hon. Members who spoke on this Bill and who supported this legislation...*(Interruptions)*

This question of Maharashtra has also been raised. Certainly, the Delimitation Commission will be constituted after this amendment, when the legislation is passed. It will be open to the Delimitation Commission to take the increase of population or any change in population into account. Therefore, the entire process would be fixed on that basis by the Delimitation Commission itself. That is a decision which the Commission will have to take if the number of reserved seats is to be increased, which are those seats, identification, fixing the boundary of those seats. That is an exercise which the Delimitation Commission will do in every State where changes of population have taken place.

SHRI K.H. MUNIYAPPA (Kolar): May I know from the hon. Minister how many Scheduled Caste and Scheduled Tribe seats are going to increase?

SHRI ARUN JAITLEY: Sir, I have this calculation with me. I have with me, on the basis of 1991 Census, the changes of population which have taken place with regard to every State. Now, this exact calculation will have to be made by the Delimitation Commission. That will be a statutory authority which will be constituted. They will do the exact calculation and therefore, it is not proper for me to hazard a guess at this stage.

Sir, I am extremely grateful to the Members who have supported this Bill and I commend to this House that the Bill be adopted.

SHRI N. JANARDHANA REDDY (Narasaraopet): Sir, I am a Member of the Standing Committee. We felt that it was not necessary for the Standing Committee to discuss this matter then as it was within the purview of the Delimitation Commission. So, it is not as if we have

not recommended, but we have to speak about it. He has summarily rejected it as if the Standing Committee has not recommended it. This is not correct.

SHRIMATI RENUKA CHOWDHURY (Khammam): Mr. Speaker Sir, with your permission, may I inform one thing to the hon. Minister?...(Interruptions)

MR. SPEAKER: There should be at least one clarification from ladies' side also.

...(Interruptions)

SHRIMATI RENUKA CHOWDHURY: It is the Speaker who has to remind you all.

Sir, I am giving you that wherever replacement levels have been successful, it is because the women there have been empowered and they have the right to participate in the decision-making. At the risk of sounding like a feminist, this is an undeniable fact of our country. In the States where the women's status is at the lowest, you have the highest population. I rest my case.

MR. SPEAKER: Before voting procedure, Members who have not been allotted seat numbers may kindly record votes of their choice through Division Slips provided by the Division Clerks/Supervisors. They may indicate their name, identity card number, constituency, State and date on the slip.

...(Interruptions)

MR. SPEAKER: Shri Ramdas Athawale, everybody, you should sit there only.

...(Interruptions)

20.00 hrs.

MR. SPEAKER: Before I put the motion for consideration of the Bill to vote, I would like to say that this being a Constitution (Amendment) Bill, voting has to be done by division.

Let the Lobbies be cleared-

Now, the Lobbies have been cleared.

The question is:

"That the Bill further to amend the Constitution of India, be taken into consideration."

The Lok Sabha divided:

[Division No. 1]

[Time 20.02 hrs.]

AYES

Abdullakutty, Shri A.P.
 Acharya, Shri Prasanna
 Adhi Sankar, Shri
 Aditya Nath, Yogi
 Adsul, Shri Anandrao Vithoba
 Advani, Shri L.K.
 Alvi, Shri Rashid
 Ananth Kumar, Shri
 Argal, Shri Ashok
 Arya, Dr. (Shrimati) Anita
 Atkinson, Shri Denzil B.
 Azad, Shri Kirti Jha
 Baalu, Shri T.R.
 'Bachda', Shri Bachi Singh Rawat
 Badnore, Shri Vijayendra Pal Singh
 Baidia, Shri Ramchander
 Bais, Shri Ramesh
 Bandyopadhyay, Shri Sudip
 Banerjee, Kumari Mamata
 Banerjee, Shrimati Jayashree
 Bansal, Shri Pawan Kumar
 Basavanagoud, Shri Kolur
 Bauri, Shrimati Sandhya
 Baxla, Shri Joachim
 Begum Noor Bano
 Behera, Shri Padmanava
 Bhadana, Shri Avtar Singh
 Bhagat, Prof. Dukha
 Bhatia, Shri R.L.
 Bhaura, Shri Bhan Singh
 Bishnoi, Shri Jaswant Singh
 Biswas, Shri Ananda Mohan

Brahmanaiah, Shri A.
 Bundela, Shri Sujan Singh
 Bwismuthiary, Shri Sansuma Khunggur
 C. Suguna Kumari, Dr. (Shrimati)
 Chakraborty, Shri Ajoy
 Chandel, Shri Suresh
 Chatterjee, Shri Somnath
 Chaubey, Shri Lal Muni
 Chaudhary, Shri Haribhai
 Chaudhary, Shri Ram Raghunath
 Chaudhary, Shri Ram Tahal
 Chauhan, Shri Nandkumar Singh
 Chauhan, Shri Shriram
 Chikhalia, Shrimati Bhavnaben Devrajbhai
 Choudhary, Col. (Retd.) Sona Ram
 Choudhry, Shri Padam Sen
 Chouhan, Shri Shivraj Singh
 Chowdhary, Shri Adhir
 Chowdhary, Shrimati Santosh
 Chowdhury, Shrimati Renuka
 Dahal, Shri Bhim
 *Dalit Ezhilmalai, Shri
 Das, Shri Nepal Chandra
 Dasmunsi, Shri Priya Ranjan
 Dattatreya, Shri Bandaru
 Deo, Shri Bikram Keshari
 *Dev, Shri Sontosh Mohan
 Diler, Shri Kishan Lal
 Diwathe, Shri Namdeo Harbaji
 Dome, Dr. Ram Chandra
 Dudi, Shri Rameshwar
 Dullo, Shri Shamsheer Singh
 Durai, Shri M.
 Elangovan, Shri P.D.

Gadhavi, Shri P.S.
 Galib, Shri G.S.
 Gaman, Shrimati Hema
 Gandhi, Shri Dilipkumar Mansukhlal
 Gandhi, Shrimati Maneka
 Gandhi, Shrimati Sonia
 Gangwar, Shri Santosh Kumar
 Gautam, Shrimati Sheela
 Gavit, Shri Manikrao Hodlya
 Gavit, Shri Ramdas Rupala
 Gawali, Kumari Bhavana Pundlikrao
 Gehlot, Shri Thawar Chand
 Ghatowar, Shri Paban Singh
 Goel, Shri Vijay
 Gupta, Prof. Chaman Lal
 Hamid, Shri Abdul
 Handique, Shri Bijoy
 Hussain, Shri Syed Shahnawaz
 Jadhav, Shri Suresh Ramrao
 Jaffer Sharief, Shri C.K.
 Jag Mohan, Shri
 Jagannath, Dr. Manda
 Jain, Shri Pusp
 Jaiswal, Shri Shankar Prasad
 Jatiya, Dr. Satyanarayan
 Javiya, Shri G.J.
 Jayaseelan, Dr. A.D.K.
 Jos, Shri A.C.
 Joshi, Shri Manohar
 Kaliappan, Shri K.K.
 *Kanungo, Shri Trilochan
 Kashyap, Shri Bali Ram
 Kaswan, Shri Ram Singh

Katara, Shri Babubhai K.
 Kataria, Shri Rattan Lal
 Kathiria, Dr. Vallabhbai
 Katiyar, Shri Vinay
 Kaur, Shrimati Preneet
 Kaushal, Shri Raghuvir Singh
 Khabri, Shri Brij Lal
 Khan, Shri Abul Hasnat
 Khandelwal, Shri Vijay Kumar
 Khandoker, Shri Akbor Ali
 Khanduri, Maj. Gen. (Retd.) B.C.
 Khanna, Shri Vinod
 Khunte, Shri P.R.
 Krishnamraju, Shri
 Krishnamurthy, Shri K.E.
 Krishnan, Dr. C.
 Krishnaswamy, Shri A.
 *Kulaste, Shri Faggan Singh
 Kumar, Shri V. Dhanajaya
 Kuppusami, Shri C.
 Kusmaria, Dr. Ramkrishna
 Kyndiah, Shri P.R.
 Lahiri, Shri Samik
 M. Master Mathan, Shri
 Mahajan, Shri Y.G.
 Maharia, Shri Subhash
 Mahtab, Shri Bhartruhari
 Mahto, Shrimati Abha
 Majhi, Shri Parsuram
 Makwana, Shri Savshibhai
 Malhotra, Dr. Vijay Kumar
 Mandal, Shri Sanat Kumar
 Manjhi, Shri Ramjee
 Meena, Shri Bherulal

Meena, Shrimati Jas Kaur
 Mehta, Shrimati Jayawanti
 Mishra, Shri Ram Nagina
 Mohale, Shri Punnu Lal
 Mookherjee, Shri S.B.
 Moorthy, Shri A.K.
 Munda, Shri Kariya
 Muni Lall, Shri
 Muniyappa, Shri K.H.
 Murthi, Shri M.V.V.S.
 Murugesan, Shri S.
 *Naik, Shri Ali Mohd.
 Naik, Shri Ram
 Narah, Shrimati Ranee
 Nayak, Shri Ananta
 Nitish Kumar, Shri
 Oram, Shri Jual
 Osmani, Shri A.F. Golam
 Pal, Shri Rupchand
 Palanimanickam, Shri S.S.
 Pandey, Shri Ravindra Kumar
 Pandeya, Dr. Laxminarayan
 Panja, Dr. Ranjit Kumar
 Panja, Shri Ajit Kumar
 Parste, Shri Dalpat Singh
 Passi, Shri Raj Narain
 Paswan, Shri Ram Vilas
 Patasani, Dr. Prasanna Kumar
 Patel, Dr. Ashok
 Patel, Shri Chandresh
 Patel, Shri Deepak
 Patel, Shri Mansinh
 Patel, Shri Prahlad Singh

Patle, Shri Tarachand Shivaji

Patil, Shri Amarsingh Vasantrao

Patil (Yatnal), Shri Basangouda R.

Patil, Shri Jayasingrao Gaikwad

Patil, Shri Prakash V.

Patil, Shri Shivraj V.

Patil, Shri Uttamrao

*Patwa, Shri Sundar Lal

Pawaiya, Shri Jaibhan Singh

Ponnuswamy, Shri E.

Pradhan, Dr. Debendra

Pradhan, Shri Ashok

Pramanik, Prof. R.R.

Prasad, Shri V. Sreenivasa

Premajam, Prof. A.K.

Puglia, Shri Naresh

Radharksihnan, Shri Pon

*Radhakrishnan, Shri Varkala

Rajbangshi, Shri Madhab

Raje, Shrimati Vasundhara

Rajendran, Shri P.

Ram, Shri Braj Mohan

Ramaiah, Dr. B.B.

Ramaiah, Shri Gunipati

Raman, Dr.

Ramshakal, Shri

Rana, Shri Kashiram

Rana, Shri Raju

Rao, Shri Ch. Vidyasagar

Rao, Shri D.V.G. Shankar

Rao, Shri Ganta Sreenivasa

Rathwa, Shri Ramsinh

Ravi, Shri Sheesh Ram Singh

Rawale, Shri Mohan

Rawat, Prof. Rasa Singh

Rawat, Shri Pradeep

Reddy, Shri A.P. Jithender

Reddy, Shri B.V.N.

Reddy, Shri G. Ganga

Reddy, Shri Gutha Sukender

Reddy, Shri N. Janardhana

*Reddy, Shri S. Jaipal

Renu Kumari, Shrimati

Roy Pradhan, Shri Amar

Sahu, Shri Anadi

Sahu, Shri Tarachand

Sai, Shri Vishnudeo

Saiduzzama, Shri

Samantray, Shri Prabhat

Sanadi, Prof. I.G.

Sangtam, Shri K.A.

Sangwan, Shri Kishan Singh

Saroj, Shri Tufani

Saroja, Dr. V.

Sathi, Shri Harpal Singh

Sayeed, Shri P.M.

*Scindia, Shri Madhavrao

Selvaganpathi, Shri T.M.

Sen, Shrimati Minati

*Sethi, Shri Arjun

Shah, Shri Manabendra

*Shaheen, Shri Abdul Rashid

Shandil, Col. (Retd.) Dr. Dhan Ram

Shanmugam, Shri N.T.

Shanta Kumar, Shri

Sharma, Capt. Satish

Shinde, Shri Sushil Kumar
 Shukla, Shri Shyamacharan
 Sikdar, Shri Tapan
 Singh Deo, Shri K.P.
 Singh Deo, Shrimati Sangeeta Kumar
 Singh, Ch. Tejveer
 Singh, Dr. Raghuvansh Prasad
 Singh, Dr. Ram Lakhan
 Singh, Kunwar Akhilesh
 Singh Rajkumari Ratna
 Singh, Sardar Buta
 *Singh, Shri Ajit
 Singh, Shri Bahadur
 Singh, Shri Brij Bhushan Sharan
 Singh, Shri Chandra Pratap
 *Singh, Shri Charanjit
 Singh, Shri Chhatrapal
 Singh, Shri Lakshman
 Singh, Shri Maheshwar
 Singh, Shri Radha Mohan
 Singh, Shri Rajo
 Singh, Shri Rampal
 Singh, Shri Th. Chaoba
 *Singh, Shri Tilakdhari Prasad
 Singh, Shrimati Shyama
 Sinha, Shri Manoj
 Sinha, Shri Yashwant
 Solanki, Shri Bhupendrasinh
 *Somaiya, Shri Kirit
 Sorake, Shri Vinay Kumar
 Srinivasulu, Shri Kalava
 Subba, Shri M.K.
 Sudarsana Natchiappan, Shri E.M.

Swain, Shri Kharabela
 Swami, Shri Chinmayanand
 Thakkar, Shrimati Jayaben B.
 Thakur, Dr. C.P.
 Thakur, Shri Chunni Lal Bhai
 *Thomas, Shri P.C.
 Tiwari, Shri Lal Bihari
 Tiwari, Shri Narayan Datt
 Tiwari, Shri Sunder Lal
 Tomar, Dr. Ramesh Chand
 *Tripathi, Shri Ram Naresh
 Tripathi, Shri Prakash Mani
 Tripathy, Shri Braja Kishore
 Tur, Shri Tarlochan Singh
 Uma Bharati, Kumari
 Vaiko, Shri
 Vajpayee, Shri Atal Bihari
 Varma, Sh. Ratilal Kalidas
 Vasava, Shri Mansukhbhai D.
 Venkataswamy, Dr. N.
 Venkateshwarlu, Shri B.
 Venugopal, Dr. S.
 Verma, Prof. Rita
 Verma, Shri Ravi Prakash
 Vetrivelan, Shri V.
 Vijaya Kumari, Shrimati D.M.
 Vijayan, Shri A.K.S.
 Virendra Kumar, Shri
 Vukkala, Dr. Rajeswaramma
 Wanaga, Shri Chintaman
 Yadav, Dr. (Shrimati) Sudha
 Yadav, Dr. Jaswant Singh
 *Yadav, Shri Devendra Prasad

Yadav, Shri Hukumdeo Narayan

[Division No. 2]

[Time 20.15 hrs.]

Yadav, Shri Sharad

AYES

Yerrannaidu, Shri K.

Zawma, Shri Vanlal

NOES

Athawale, Shri Ramdas

Mahale, Shri Haribhau Shankar

MR. SPEAKER: Subject to correction* ; the result of the division is:

Ayes: 284

Noes: 002

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

MR. SPEAKER: The House shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 7

MR. SPEAKER: For Clauses 2 to 7, there are no amendments. If the House agrees, I shall put clauses 2 to 7 together to the vote of the House in which case the result of the voting shall be taken as applicable to each clause.

SEVERAL HON. MEMBERS: We agree.

MR. SPEAKER: The Lobbies are already cleared.

The question is:

"That clauses 2 to 7 stand part of the Bill."

The Lok Sabha divided:

*Abdullakutty, Shri A.P.

Acharya, Shri Prasanna

Adhi Sankar, Shri

Aditya Nath, Yogi

Adsul, Shri Anandrao Vithoba

Advani, Shri L.K.

Alvi, Shri Rashid

Ananth Kumar, Shri

Argal, Shri Ashok

Arya, Dr. (Shrimati) Anita

Atkinson, Shri Denzil B.

Azad, Shri Kirti Jha

Baalu, Shri T.R.

'Bachda', Shri Bachi Singh Rawat

Badnore, Shri Vijayendra Pal Singh

Bainda, Shri Ramchander

Bais, Shri Ramesh

Bandyopadhyay, Shri Sudip

Banerjee, Kumari Mamata

Banerjee, Shrimati Jayashree

Bansal, Shri Pawan Kumar

Basavanagoud, Shri Kolar

Baxla, Shri Joachim

*Begum Noor Bano

Behera, Shri Padmanava

Bhadana, Shri Avtar Singh

Bhagat, Prof. Dukha

Bhatia, Shri R.L.

Bhaura, Shri Bhan Singh

*Bishnoi, Shri Jaswant Singh

Biswas, Shri Ananda Mohan

* Voted through Division Slip

** Shri Sundar Lal Patwa, Shri Faggan Singh Kulaste, Shri Ram Nareish Tripathi, Shri Arjun Sethi, Shri Kirti Somaiya, Shri Trilochan Kanungo, Shri Devendra Prasad Yadav, Shri Ali Mohd. Naik, Shri Madhavrao Scindia, Shri Abdul Rashid Shaheen, Shri Sontosh Mohan Dev, Shri Ajit Singh, Shri S. Jaipal Reddy, Shri Varkala Radhakrishnan, Shri Charanjit Singh, Shri Tilakdhari Prasad Singh, Shri P.C. Thomas, Shri Dalit Ezhimalai voted through division slips.

* Voted through Division Slip

Brahmanaiah, Shri A.
 Bundela, Shri Sujan Singh
 C. Suguna Kumari, Dr. (Shrimati)
 Chakraborty, Shri Ajoy
 Chandel, Shri Suresh
 Chatterjee, Shri Somnath
 Chaubey, Shri Lal Muni
 Chaudhary, Shri Haribhai
 Chaudhary, Shri Ram Raghunath
 Chaudhary, Shri Ram Tahal
 Chauhan, Shri Nandkumar Singh
 Chauhan, Shri Shriram
 Chikhalia, Shrimati Bhavnaben Devrajibhai
 Choudhary, Col. (Retd.) Sona Ram
 Choudhry, Shri Padam Sen
 Chouhan, Shri Shivraj Singh
 Chowdhary, Shri Adhir
 Chowdhary, Shrimati Santosh
 Chowdhury, Shrimati Renuka
 Dahal, Shri Bhim
 *Dalit Ezhilmalai, Shri
 Das, Shri Nepal Chandra
 Dasmunsi, Shri Priya Ranjan
 Dattatreya, Shri Bandaru
 Deo, Shri Bikram Keshari
 Dev, Shri Sontosh Mohan
 Diler, Shri Kishan Lal
 Diwathe, Shri Namdeo Harbaji
 Dome, Dr. Ram Chandra
 Dudi, Shri Rameshwar
 Dullo, Shri Shamsher Singh
 Durai, Shri M.
 Elangovan, Shri P.D.

Gadhavi, Shri P.S.
 Galib, Shri G.S.
 Gaman, Shrimati Hema
 Gandhi, Shri Dilipkumar Mansukhlal
 Gandhi, Shrimati Maneka
 Gandhi, Shrimati Sonia
 Gangwar, Shri Santosh Kumar
 Gautam, Shrimati Sheela
 Gavit, Shri Manikrao Hodlya
 Gavit, Shri Ramdas Rupala
 Gawali, Kumari Bhavana Pundlikrao
 Gehlot, Shri Thawar Chand
 Ghatowar, Shri Paban Singh
 *Goel, Shri Vijay
 Gupta, Prof. Chaman Lal
 Hamid, Shri Abdul
 Handique, Shri Bijoy
 Hussain, Shri Syed Shahnawaz
 *Jadhav, Shri Suresh Ramrao
 Jaffer Sharief, Shri C.K.
 Jag Mohan, Shri
 Jagannath, Dr. Manda
 Jain, Shri Pusp
 Jaiswal, Shri Shankar Prasad
 Jalappa, Shri R.L.
 Jatiya, Dr. Satyanarayan
 Javiya, Shri G.J.
 Jayaseelan, Dr. A.D.K.
 *Jos, Shri A.C.
 Kaliappan, Shri K.K.
 *Kanungo, Shri Trilochan
 Kashyap, Shri Bali Ram
 Kaswan, Shri Ram Singh
 Katara, Shri Babubhai K.
 Kataria, Shri Rattan Lal

Kathiria, Dr. Vallabhbhai	Meena, Shrimati Jas Kaur
Katiyar, Shri Vinay	Mehta, Shrimati Jayawanti
*Kaur, Shrimati Preneet	Mishra, Shri Ram Nagina
Kaushal, Shri Raghuvir Singh	Mohale, Shri Punnu Lal
Khabri, Shri Brij Lal	Mookherjee, Shri S.B.
Khan, Shri Abul Hasnat	Moorthy, Shri A.K.
Khandelwal, Shri Vijay Kumar	Munda, Shri Kariya
Khandoker, Shri Akbor Ali	Muni Lall, Shri
Khanduri, Maj. Gen. (Retd.) B.C.	Murthi, Shri M.V.V.S.
Khanna, Shri Vinod	Murugesan, Shri S.
Khunte, Shri P.R.	Naik, Shri Ali Mohd.
Krishnamraju, Shri	Naik, Shri Ram
Krishnamurthy, Shri K.E.	Narah, Shrimati Ranee
Krishnan, Dr. C.	Nayak, Shri Ananta
Krishnaswamy, Shri A.	Nitish Kumar, Shri
Kulaste, Shri Faggan Singh	Oram, Shri Jual
Kumar, Shri V. Dhanajaya	Osmani, Shri A.F. Golam
Kuppusami, Shri C.	Padmanabham, Shri Mudragada
Kusmaria, Dr. Ramkrishna	Pal, Shri Rupchand
Kyndiah, Shri P.R.	Palanimanickam, Shri S.S.
Lahiri, Shri Samik	Pandey, Shri Ravindra Kumar
Lepcha, Shri S.P.	Pandeya, Dr. Laxminarayan
M. Master Mathan, Shri	Panja, Dr. Ranjit Kumar
Mahajan, Shri Y.G.	Punja, Shri Ajit Kumar
Maharia, Shri Subhash	Parste, Shri Dalpat Singh
Mahato, Shri Bir Singh	Passi, Shri Raj Narain
Mahtab, Shri Bhartruhari	Paswan, Shri Ram Vilas
Mahto, Shrimati Abha	Patasani, Dr. Prasanna Kumar
Majhi, Shri Parsuram	Patel, Dr. Ashok
*Makwana, Shri Savshibhai	Patel, Shri Chandresh
Malhotra, Dr. Vijay Kumar	Patel, Shri Deepak
Mandal, Shri Sanat Kumar	Patel, Shri Mansinh
Manjhi, Shri Ramjee	Patel, Shri Prahlad Singh
Meena, Shri Bherulal	Patel, Shri Tarachand Shivalji

Patil, Shri Amarsingh Vasantrao
 Patil (Yatnal), Shri Basangouda R.
 Patil, Shri Jayasingrao Gaikwad
 Patil, Shri Prakash V.
 Patil, Shri Shivraj V.
 Patil, Shri Uttamrao
 Patwa, Shri Sundar Lal
 Pawaiya, Shri Jaibhan Singh
 Ponnuswamy, Shri E.
 Pradhan, Dr. Debendra
 Pradhan, Shri Ashok
 Pramanik, Prof. R.R.
 Prasad, Shri V. Sreenivasa
 Puglia, Shri Naresh
 Radharksihnan, Shri Pon
 *Radhakrishnan, Shri Varkala
 Rajbangshi, Shri Madhab
 Raje, Shrimati Vasundhara
 Rajendran, Shri P.
 Ram, Shri Braj Mohan
 Ramaiah, Dr. B.B.
 Ramaiah, Shri Gunipati
 Raman, Dr.
 Ramshakal, Shri
 Rana, Shri Kashiram
 Rana, Shri Raju
 Rao, Shri Ch. Vidyasagar
 Rao, Shri D.V.G. Shankar
 Rao, Shri Ganta Sreenivasa
 Rathwa, Shri Ramsinh
 Ravi, Shri Sheesh Ram Singh
 Rawale, Shri Mohan
 Rawat, Prof. Rasa Singh

Rawat, Shri Pradeep
 Reddy, Shri A.P. Jithender
 Reddy, Shri B.V.N.
 Reddy, Shri G. Ganga
 Reddy, Shri Gutha Sukender
 Reddy, Shri N. Janardhana
 Reddy, Shri S. Jaipal
 Renu Kumari, Shrimati
 Roy, Shri Subodh
 Roy Pradhan, Shri Amar
 Sahu, Shri Anadi
 *Sahu, Shri Tarachand
 Sai, Shri Vishnudeo
 Saiduzzama, Shri
 Samantray, Shri Prabhat
 Sanadi, Prof. I.G.
 Sangtam, Shri K.A.
 Sangwan, Shri Kishan Singh
 Saroj, Shri Tufani
 Saroja, Dr. V.
 Sathi, Shri Harpal Singh
 Sayeed, Shri P.M.
 *Scindia, Shri Madhavrao
 Selvaganpathi, Shri T.M.
 Sen, Shrimati Minati
 Seth, Shri Lakshman
 *Sethi, Shri Arjun
 Shah, Shri Manabendra
 Shaheen, Shri Abdul Rashid
 Shandil, Col. (Retd.) Dr. Dhani Ram
 Shanmugam, Shri N.T.
 Shanta Kumar, Shri
 Sharma, Capt. Satish
 Shinde, Shri Sushil Kumar

Shukla, Shri Shyamacharan
 Sikdar, Shri Tapan
 Singh Deo, Shri K.P.
 Singh Deo, Shrimati Sangeeta Kumari
 Singh, Ch. Tejveer
 Singh, Dr. Raghuvansh Prasad
 Singh, Dr. Ram Lakhan
 Singh, Kunwar Akhilesh
 Singh Rajkumari Ratna
 Singh, Sardar Buta
 *Singh, Shri Ajit
 Singh, Shri Bahadur
 Singh, Shri Brij Bhushan Sharan
 Singh, Shri Chandra Pratap
 *Singh, Shri Charanjit
 Singh, Shri Chattrapal
 Singh, Shri Lakshman
 Singh, Shri Maheshwar
 Singh, Shri Radha Mohan
 Singh, Shri Rajo
 Singh, Shri Rampal
 Singh, Shri Th. Chaoba
 Singh, Shri Tilakdhari Prasad
 Singh, Shrimati Shyama
 Sinha, Shri Manoj
 Sinha, Shri Yashwant
 Solanki, Shri Bhupendrasinh
 *Somaiya, Shri Kirit
 Sorake, Shri Vinay Kumar
 Srinivasulu, Shri Kalava
 Subba, Shri M.K.
 Sudarsana Natchiappan, Shri E.M.
 Swain, Shri Kharabela

Swami, Shri Chinmayanand
 Thakkar, Shrimati Jayaben B.
 Thakur, Dr. C.P.
 Thakur, Shri Chunni Lal Bhai
 *Thomas, Shri P.C.
 Tiwari, Shri Lal Bihari
 Tiwari, Shri Narayan Datt
 Tiwari, Shri Sunder Lal
 Tomar, Dr. Ramesh Chand
 Tripathee, Shri Ram Naresh
 Tripathi, Shri Prakash Mani
 Tripathy, Shri Braja Kishore
 Tur, Shri Tarlochan Singh
 Uma Bharati, Kumari
 Vaiko, Shri
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ratilal Kalidas
 Vasava, Shri Mansukhbhai D.
 Venkateswamy, Dr. N.
 *Venkateshwartu, Shri B.
 Venugopal, Dr. S.
 Verma, Prof. Rita
 Verma, Shri Ravi Prakash
 Vetriseivan, Shri V.
 Vijaya Kumari Shrimati D.M.
 Vijayan, Shri A.K.S.
 Virendra Kumar, Shri
 Vukkala, Dr. Rajeswaramma
 Wanaga, Shri Chintaman
 Yadav, Dr. (Shrimati) Sudha
 Yadav, Dr. Jaswant Singh
 Yadav, Shri Devendra Prasad
 Yadav, Shri Hukumdeo Narayan

Yadav, Shri Sharad

Yerrannaidu, Shri K.

Zawma, Shri Vanlal

NOES

Athawale, Shri Ramdas

MR. SPEAKER: Subject to correction* the result** of the division is:

Ayes: 286

Noes: 1

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Clauses 2 to 7 were added to the Bill.

Clause 1-Short Title

Amendments made:

Page 1, line 2,—

For "(Ninety-first Amendment)"

substitute "(Eighty-Fourth Amendment)" (2)

Page 1, line 2,—

for "2000"

substitute "2001" (3)

(Shri Arun Jaitley)

MR. SPEAKER: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

- * Shri A.P. Adhikary, Shri Jaswant Singh Bishnoi, Shri Dalit Ezhilmalai, Shri Vijay Goel, Shri Suresh Ramrao Jadhav, Shri A.C. Jos, Shri Trilochan Kanungo, Shrimati Preneet Kaur, Shri Savshibhal Makwana, Shri Varkala Radhakrishnan, Shri Tarachand Sahu, Shri Arjun Sethi, Shri Ajit Singh, Shri Kirit Somaiya, Shri P.C. Thomas, Shri B. Venkateshwarlu and Begum Noor Bano voted through division slips.

- ** The result of this division applies to each of the clauses 2 to 7 separately.

Clause 1, as amended, was added to the Bill.

Enacting Formula

Amendment made:

Page 1, line 1,—

for "fifty-first"

substitute "fifty-second" (1)

(Shri Arun Jaitley)

MR. SPEAKER: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

MR. SPEAKER: The question is:

"That the Title stand part of the Bill."

The motion was adopted.

The Title was added to the Bill.

MR. SPEAKER: The Minister may now move that the Bill, as amended, be passed.

SHRI ARUN JAITLEY: Sir, I beg to move:

"That the Bill, as amended, be passed."

MR. SPEAKER: Before I put the motion that the Bill, as amended, be passed, to vote of the House, I would like to say that this being a Constitution (Amendment) Bill, voting has to be by division.

The Lobbies are already cleared.

The question is:

"That the Bill, as amended, be passed."

The Lok Sabha divided:

[Division No. 3]

[Time 20.16 hrs.]

AYES

Abdullakutty, Shri A.P.
 Acharya, Shri Prasanna
 Adhi Sankar, Shri
 Aditya Nath, Yogi
 Adsul, Shri Anandrao Vithoba
 Advani, Shri L.K.
 Alvi, Shri Rashid
 Ananth Kumar, Shri
 Argal, Shri Ashok
 Arya, Dr. (Shrimati) Anita
 Atkinson, Shri Denzil B.
 Azad, Shri Kirti Jha
 Baalu, Shri T.R.
 'Bachda', Shri Bachi Singh Rawat
 Badnore, Shri Vijayendra Pal Singh
 Baidna, Shri Ramchander
 Bais, Shri Ramesh
 Bandyopadhyay, Shri Sudip
 Banerjee, Kumari Mamata
 Banerjee, Shrimati Jayashree
 Bansal, Shri Pawan Kumar
 Basavanagoud, Shri Kolor
 Bauri, Shrimati Sandhya
 Baxla, Shri Joachim
 Begum Noor Bano
 Behera, Shri Padmanava
 Bhadana, Shri Avtar Singh
 Bhagat, Prof. Dukha
 Bhatia, Shri R.L.
 Bhaura, Shri Bhan Singh
 Bishnoi, Shri Jaswant Singh
 Biswas, Shri Ananda Mohan

Brahmanasiah, Shri A.
 *Bundela, Shri Sujan Singh
 C. Suguna Kumari, Dr. (Shrimati)
 Chakraborty, Shri Ajoy
 Chakraborty, Shri Swadesh
 Chandel, Shri Suresh
 Chatterjee, Shri Somnath
 Chaubey, Shri Lal Muni
 Chaudhary, Shri Haribhai
 Chaudhary, Shri Ram Raghunath
 Chaudhary, Shri Ram Tahal
 Chauhan, Shri Nandkumar Singh
 Chauhan, Shri Shriram
 Chikhalia, Shrimati Bhavnaben Devrajibhai
 Choudhary, Col. (Retd.) Sona Ram
 Choudhry, Shri Padam Sen
 Chouhan, Shri Shivraj Singh
 Chowdhary, Shri Adhir
 Chowdhary, Shrimati Santosh
 Chowdhury, Shrimati Renuka
 Dahal, Shri Bhim
 *Dalit Ezhilmalai, Shri
 Das, Shri Nepal Chandra
 Dasmunsi, Shri Priya Ranjan
 Dattatreya, Shri Bandaru
 Deo, Shri Bikram Keshari
 Dev, Shri Sontosh Mohan
 Diler, Shri Kishan Lal
 Diwathe, Shri Namdeo Harbaji
 Dome, Dr. Ram Chandra
 Dudi, Shri Rameshwar
 Dullo, Shri Shamsher Singh
 Durai, Shri M.

 * Voted through Division Slip

Elangovan, Shri P.D.
 Gadhavi, Shri P.S.
 Galib, Shri G.S.
 Gamang, Shrimati Hema
 Gandhi, Shri Dilipkumar Mansukhlal
 Gandhi, Shrimati Maneka
 Gandhi, Shrimati Sonia
 Gangwar, Shri Santosh Kumar
 Gautam, Shrimati Sheela
 Gavit, Shri Manikrao Hodlya
 Gavit, Shri Ramdas Rupala
 Gawali, Kumari Bhavana Pundlikrao
 Gehlot, Shri Thawar Chand
 Ghatowar, Shri Paban Singh
 Goel, Shri Vijay
 Gupta, Prof. Chaman Lal
 Hamid, Shri Abdul
 Handique, Shri Bijoy
 Hussain, Shri Syed Shahnawaz
 Jaffer Sharief, Shri C.K.
 Jag Mohan, Shri
 Jagannath, Dr. Manda
 Jain, Shri Pusp
 Jaiswal, Shri Shankar Prasad
 Jatiya, Dr. Satyanarayan
 Javiya, Shri G.J.
 Jayaseelan, Dr. A.D.K.
 Jos, Shri A.C.
 Kaliappan, Shri K.K.
 Kanungo, Shri Trilochan
 Kashyap, Shri Bali Ram
 Kaswan, Shri Ram Singh
 Katara, Shri Babubhai K.
 Kataria, Shri Rattan Lal

Kathiria, Dr. Vallabhbbhai
 Katiyar, Shri Vinay
 Kaur, Shrimati Preneet
 Kaushal, Shri Raghuvir Singh
 Khabri, Shri Brij Lal
 Khan, Shri Abul Hasnat
 Khandelwal, Shri Vijay Kumar
 Khandoker, Shri Akbor Ali
 Khanduri, Maj. Gen. (Retd.) B.C.
 Khanna, Shri Vinod
 Khunte, Shri P.R.
 *Krishnamraju, Shri
 Krishnamurthy, Shri K.E.
 Krishnan, Dr. C.
 Krishnaswamy, Shri A.
 Kulaste, Shri Faggan Singh
 Kumar, Shri V. Dhanajaya
 Kuppusami, Shri C.
 Kusmaria, Dr. Ramkrishna
 Kyndiah, Shri P.R.
 Lahiri, Shri Samik
 M. Master Mathan, Shri
 Mahajan, Shri Y.G.
 Maharia, Shri Subhash
 Mahto, Shri Bir Singh
 Mahtab, Shri Bhartruhari
 Mahto, Shrimati Abha
 Majhi, Shri Parsuram
 Makwana, Shri Savshibhai
 Malhotra, Dr. Vijay Kumar
 Mandal, Shri Sanat Kumar
 Manjhi, Shri Ramjee
 Meena, Shri Bherulal
 Meena, Shrimati Jas Kaur

* Voted through Division Slip

Mehta, Shrimati Jayawanti
 Mishra, Shri Ram Nagina
 Mohale, Shri Punnu Lal
 Mookherjee, Shri S.B.
 Moorthy, Shri A.K.
 Munda, Shri Kariya
 Muni Lall, Shri
 Muniyappa, Shri K.H.
 Murthi, Shri M.V.V.S.
 Murugesan, Shri S.
 Naik, Shri Ali Mohd.
 Naik, Shri Ram
 Narah, Shrimati Ranee
 Nayak, Shri Ananta
 Nitish Kumar, Shri
 Oram, Shri Jual
 Osmani, Shri A.F. Golam
 Padmanabham, Shri Mudragada
 Pal, Shri Rupchand
 Palanimanickam, Shri S.S.
 Pandey, Shri Ravindra Kumar
 Pandeya, Dr. Laxminarayan
 Panja, Dr. Ranjit Kumar
 Panja, Shri Ajit Kumar
 Parste, Shri Dalpat Singh
 Passi, Shri Raj Narain
 Paswan, Shri Ram Vilas
 Patasani, Dr. Prasanna Kumar
 Patel, Dr. Ashok
 Patel, Shri Chandresh
 Patel, Shri Deepak
 Patel, Shri Mansinh
 Patel, Shri Prahlad Singh
 Patel, Shri Tarachand Shivaji

Patil, Shri Amarsinh Vasantrao
 Patil (Yatnal), Shri Basangouda R.
 Patil, Shri Jayasingrao Gaikwad
 Patil, Shri Prakash V.
 Patil, Shri Shivraj V.
 Patil, Shri Uttamrao
 Patwa, Shri Sundar Lal
 Pawaiya, Shri Jalbhan Singh
 Ponnuswamy, Shri E.
 Pradhan, Dr. Debendra
 Pradhan, Shri Ashok
 Pramanik, Prof. R.R.
 Prasad, Shri V. Sreenivasa
 Premajam, Prof. A.K.
 Puglia, Shri Naresh
 Radharksihnan, Shri Pon
 Radhakrishnan, Shri Varkala
 Rajbangshi, Shri Madhab
 Raje, Shrimati Vasundhara
 Rajendran, Shri P.
 Ram, Shri Braj Mohan
 Ramaiah, Dr. B.B.
 Ramaiah, Shri Gunipati
 Raman, Dr.
 Ramshakal, Shri
 Rana, Shri Kashiram
 Rana, Shri Raju
 Rao, Shri Ch. Vidyasagar
 Rao, Shri D.V.G. Shankar
 Rao, Shri Ganta Sreenivasa
 Rathwa, Shri Ramsinh
 Ravi, Shri Sheesh Ram Singh
 Rawale, Shri Mohan
 Rawat, Prof. Rasa Singh
 Rawat, Shri Pradeep

Reddy, Shri A.P. Jithender
 Reddy, Shri B.V.N.
 Reddy, Shri G. Ganga
 Reddy, Shri Gutha Sukender
 Reddy, Shri N. Janardhana
 Reddy, Shri S. Jaipal
 Renu Kumari, Shrimati
 Roy, Shri Subodh
 Roy Pradhan, Shri Amar
 Sahu, Shri Anadi
 Sahu, Shri Tarachand
 Sai, Shri Vishnudeo
 Saiduzzama, Shri
 Samantray, Shri Prabhat
 Sanadi, Prof. I.G.
 Sangtam, Shri K.A.
 Sangwan, Shri Kishan Singh
 *Saroj, Shri Tufani
 Saroja, Dr. V.
 Sathi, Shri Harpal Singh
 Sayeed, Shri P.M.
 Scindia, Shri Madhavrao
 Selvaganpathi, Shri T.M.
 Sen, Shrimati Minati
 Seth, Shri Lakshman
 Sethi, Shri Arjun
 Shah, Shri Manabendra
 Shaheen, Shri Abdul Rashid
 Shandil, Col. (Retd.) Dr. Dhani Ram
 Shanmugam, Shri N.T.
 Shanta Kumar, Shri
 Sharma, Capt. Satish
 Shinde, Shri Sushil Kumar

Shukla, Shri Shyamacharan
 Sikdar, Shri Tapan
 Singh Deo, Shri K.P.
 Singh Deo, Shrimati Sangeeta Kumari
 Singh, Ch. Tejveer
 Singh, Dr. Raghuvansh Prasad
 Singh, Dr. Ram Lakhan
 Singh, Kunwar Akhilesh
 Singh Rajkumari Ratna
 Singh, Sardar Buta
 *Singh, Shri Ajit
 Singh, Shri Bahadur
 Singh, Shri Brij Bhushan Sharan
 Singh, Shri Chandra Pratap
 Singh, Shri Charanjit
 Singh, Shri Chhatrapal
 Singh, Shri Lakshman
 Singh, Shri Maheshwar
 Singh, Shri Radha Mohan
 Singh, Shri Rajo
 Singh, Shri Rampal
 Singh, Shri Th. Chaoba
 Singh, Shri Tilakdhari Prasad
 Singh, Shrimati Shyama
 Sinha, Shri Manoj
 Sinha, Shri Yashwant
 Solanki, Shri Bhupendrasinh
 *Somaiya, Shri Kirit
 Sorake, Shri Vinay Kumar
 Srinivasulu, Shri Kalava
 Sudarsana Natchiappan, Shri E.M.
 Swain, Shri Kharabela
 Swami, Shri Chinmayanand

Thakkar, Shrimati Jayaben B.
 Thakur, Dr. C.P.
 Thakur, Shri Chunni Lal Bhai
 Thomas, Shri P.C.
 Tiwari, Shri Lal Bihari
 Tiwari, Shri Narayan Datt
 Tiwari, Shri Sunder Lal
 Tomar, Dr. Ramesh Chand
 Tripathi, Shri Ram Naresh
 Tripathi, Shri Prakash Mani
 Tripathy, Shri Braja Kishore
 Tur, Shri Tarlochan Singh
 Uma Bharati, Kumari
 Vaiko, Shri
 Vajpayee, Shri Atal Bihari
 Varma, Sh. Ratilal Kalidas
 Vasava, Shri Mansukhbhai D.
 Venkataswamy, Dr. N.
 Venkateshwarlu, Shri B.
 Venugopal, Dr. S.
 Verma, Prof. Rita
 Verma, Shri Ravi Prakash
 Vetrivelan, Shri V.
 Vijaya Kumari Shrimati D.M.
 Vijayan, Shri A.K.S.
 Virendra Kumar, Shri
 Vukkala, Dr. Rajeswaramma
 Wanaga, Shri Chintaman
 Yadav, Dr. (Shrimati) Sudha

Yadav, Dr. Jaswant Singh
 Yadav, Shri Devendra Prasad
 Yadav, Shri Hukumdeo Narayan
 Yadav, Shri Sharad
 Yerrannaidu, Shri K.
 Zawma, Shri Vanlal

NOES

Athawale, Shri Ramdas
 Mahale, Shri Haribhau Shankar

MR. SPEAKER: Subject to correction*, the result of the division is:

Ayes: 297

Noes: 2

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The Bill, as amended, is passed by the requisite majority, in accordance with the provisions of article 368 of the Constitution.

The motion was adopted.

MR. SPEAKER: The House stands adjourned to meet again tomorrow, the 22nd August, 2001 at 11 a.m.

20.18 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, August 22, 2001/Sravana 31, 19233 (Saka).

* Shri Sujan Singh Bundela, Shri Dalit Ezhilmalai, Shri Krishnamraju, Shri Tufani Saroj, Shri Ajit Singh, Shri Kirti Somaiya voted through division slips.